

NEWINGTON TOWN PLAN AND ZONING COMMISSION

Regular Meeting

October 12, 2011

Chairman Pruet called the regular meeting of the Newington Town Plan and Zoning Commission to order at 7:00 p.m. in Conference Room L101 at the Newington Town Hall, 131 Cedar Street, Newington, Connecticut.

I. ROLL CALL

Commissioners Present

Commissioner Anest
Commissioner Camerota
Commissioner Lenares
Commissioner Pane
Chairman Pruet
Commissioner Schatz
Commissioner Aieta
Commissioner Turco

Commissioners Absent

Commissioner Hall

Staff Present

Ed Meehan, Town Planner

Commissioner Aieta was seated for Commissioner Hall.

II. PUBLIC HEARINGS

- A. PETITION 27-11 – Hayes Kaufman Newington Associates, LLC applicant, represented by Attorney Mark S. Shipman 20 Batterson Park Road, Farmington, CT 06032 request for Zoning Regulations amendment Section 3.11.7 to permit by Special Exception approval “Fueling Station.” Continued from September 27, 2011.**

Chairman Pruet: Petitioner, Councilor?

Attorney Shipman: Yes, this is a continued public hearing and my client, Mr. Hayes would like to address the Commission before I sum up for you.

Richard Hayes: Good evening, as I think everybody was aware, I was here at the last meeting and I want to clarify a couple of concerns that I heard from the Commission members. These concerns appear to fall into three main categories. The first is obviously the concern about spot zoning. The second is whether or not we should consider to review the Commission's prior actions as it relates to automotive uses and the third is whether the proposal should be limited to supermarket centers. Mark is going to focus on the third, I'll focus on the other two. Some of my remarks will relate obviously to this property that I own, after all, this is the reason that I put this application together. None the less, my comments are intended to be applicable to all the properties that would be considered or benefit from this particular text amendment. First let me start by addressing Commissioner Schatz's

concern over the fuel, or the type of fuel that would be sold at this facility. We only intend on selling gasoline, we don't intend on selling any diesel, we will not sell any propane. It's an 80 square foot kiosk, there will be no goods sold from the kiosk other than just the gasoline. We have no objection to limiting the ordinance to that effect either. Commissioner Hall brought up some issues about traffic. We're going to spend a minute or two on traffic tonight because especially with respect to this particular project, when we first put a proposal together four and a half years ago, the Commission at that time requested that we go down to DOT and see if we could work out some access. It was prior to the town owning the National Welding site, and obviously it was prior to the busway identifying this piece of property as the piece of property to the rear of us as a potential site for a station. This map represents what is the culmination of three and a half years, forty plus meetings with the Department of Transportation, and every one of those meetings by the way, your staff member Ed Meehan attended, and this is identified, this is the access plan that has been approved by the STC, the legal department of the Department of Transportation, the Planning Department of the Department of Transportation, and the Rights of Way department. So, and the Attorney General's office, so this is the access that will go from Cedar Street over to the existing shopping center, but this is the main access which will be signalized, which will serve as the town parcel, the DOT parcel, and the parcel that I own with my partners. So there is going to be a signal here, and this is kind of a little bit of a unique situation, in that, in most instances an application comes in front of a Planning and Zoning Commission, and then you go to the Department of Transportation for approval by the STC. We did it a little backwards, and this will probably be the only time in your career that this will ever happen, we got an STC approval in advance of coming here. Now the reason for that is, there are multiple reasons for that, but it was mostly driven by the busway project. There have been three traffic studies done on this particular design and numerous amounts of iteration, different iterations of this particular design have been submitted to the DOT. This is the final design, this is what they came up with, and this is what we are proposing. So that should resolve, I hope that resolves all of the traffic issues. If you have questions, we will certainly address them. Commissioner Pane and Commissioner Aieta and Commissioner Lenares all expressed a desire to explore the opportunity to revise the auto regulations, and you will hear no objection from me on that. I didn't think, the reality of that is, you'll hear no objection as long as you approve my amendment tonight. You can think of this as a stepping stone to your future discussions on this issue. I don't believe it is either fair, or necessary to hold this particular application hostage to the broader considerations of the automotive use. It is distinctly different in that it is only fueling. The ordinance we, Mark Shipman, my attorney, spent a great amount of time crafting this ordinance to avoid most of the potential controversial aspects of any type of an automotive use. While it is not limited to one property as we all have I think discussed at the last meeting, it only reaches a limited number of properties geographically as well as, geographically. Any consideration of this use would have to be considered, you would have to consider the impact on a broader application. My final remark is relevant to Commissioner Lenares. His final point at the last meeting was about competition. The truth of the matter is I wouldn't be standing here unless it was a competitive reason. Stop and Shop has come to me and asked me, not only in this instance but in several other applications in other communities that we are working on, as it relates to these fuel uses, to get, to see whether or not it is possible for us to get the fueling stations down here and the reason is, it's based primarily on competition. They're looking for any edge that they can get to keep their grocery dollars in this store. The reality is, over the last decade or so, we've seen a Sam's down on the Berlin Turnpike, we've seen a Target on the Berlin Turnpike, we've seen a Wal-Mart on the Berlin Turnpike. We have a Target up in New Britain, we have the potential of a Costco in New Britain. Every one of those stores takes grocery dollars out of this town, and away from Stop and Shop and that is the reason that they are so motivated to get a fueling station down here. And I will give to everybody, I don't know if everybody caught this, but on August 13th, of 2011 the Hartford Courant on the front

page of their paper, I'll pass these out, it's an article about how Target was targeting the food stores and so that goes to this point obviously. So, I guess the final question is, why does this matter to anybody sitting on this Commission? In these unprecedented times, we have to do, I have to do everything that I can do to preserve my tenants and I think it is incumbent upon this Commission to do everything it can do to preserve big businesses that are existing in this community. Aside from the \$284,000 we pay in yearly taxes on that particular piece of property, Stop and Shop generates you know, if in fact the store ever became vacant, it would be a loss to the town and more importantly as we have discovered, throughout town, there are enough vacant buildings today. So, I think that, rather than ask why you should approve this, maybe we should ask why we shouldn't approve this. I appreciate your time this evening.

Attorney Shipman: I think Mr. Hayes probably expressed better than I could the issues involved. I do want to point out something. I know that there is a desire on the part of some Commissioners to address again and readdress the same issues that were addressed, seven, eight, ten months ago, on the Firestone application, and the whole issue of why automotive uses are not permitted. We were very careful, we, as Mr. Hayes said he has no horse in that race. We were very careful to try to fit this regulation into your existing zoning. We put it in the special exception section, it is a special exception just like other special exceptions. Unlike automotive uses it is not regulated by the Department of Motor Vehicles, it's regulated by the Department of Consumer Protection. We are so unlike any other automotive use you could be considering that we really shouldn't be considered the same thing. We won't have any cars parked there, we won't be selling any cars there, we won't be disposing any hazardous waste there, we are not going to sell groceries from that location, we're having, as you have heard, at our location, nothing more than a sixty square foot building. The maximum that could be had under this regulation is a 200 square foot building, so it's not going to be a hang out, it's not going to be a place where there are repairs, nothing. It's as Mr. Hayes said, limiting it so there is no diesel or propane, that's okay too. Pattern this one after the one that was adopted in Berlin and it's in another town also, I'm sorry I don't recollect....

Richard Hayes: Cromwell, Mark.

Attorney Shipman: Cromwell, and actually made it more stringent. You have more discretion than the Commissions gave themselves in either of those two towns. You really have to be satisfied with traffic, with location, with buffering, with everything before you have to approve a particular use. This is not going to be stuck on the street so that everybody can see it. If your concerns along the Berlin Turnpike when you banned the automotive uses were how they looked, you aren't going to see it. If your concerns were that there were a lot of, that it took up valuable space that other commercial enterprises could have that were more complimentary, not going to happen there. As a matter of fact, if you really look at this, this is not a principal use. This is an accessory use. Every other automotive use you have or will have is a principal use. Here this use is an accessory to either just a grocery store or another facility that meets the size requirements so you, it really is a situation where, I know you want to address it, some of you are negative, some of you are positive, but I don't think this application bears on that discussion at all. It's something that can benefit the town, benefit taxpayers in the town, benefit the residents of the town, provide a stimulus for five or six properties as they have been described to you, provide a competitive marketplace and not really provide any negatives, because if you find a negative when the application comes in, you do not have to approve it. You have so much latitude under this regulation that you just don't have to approve it. So what we are really asking is that you pass this ordinance, give us a chance to come in and tell you why we think the property that we have fits the bill. Give somebody else a chance, but pass the ordinance and keep your discretion and keep your

ability to say no, but give us an opportunity, and you know, it could take you three or four months and through an election to decide what you want to do with automotive uses. We're not an automotive use, we happen to sell gas for automobiles, but we're not an automotive use. I'd be happy to answer any questions.

Chairman Pruett: Ed, any questions from staff?

Ed Meehan: No, I think the record over the last couple of hearings has been pretty complete. The only staff comment and question I raised was a reference to a procedural characteristic of the zoning regulations now that the Planning and Zoning Commission is the authorized agent that would rule on any special permit. The original draft mentioned ZBA, that was corrected at a prior hearing, so you hold it under your purview, your discretion on these types of uses.

Chairman Pruett: Thank you. Commissioner comments on this? Concerns?

Commissioner Camerota: I just have one question. Mr. Hayes mentioned not selling any goods at the kiosk, are you quite sure about that, because the other Stop and Shop gas stations that I am familiar with do sell candy and maybe beverages.

Richard Hayes: No candy, they have a Coca-cola machine that they do put out in the corner of the parking lot. I built the one in Berlin so I'm familiar, we went all through this. They don't sell any candy out of those kiosks, ever, in any of them. They don't sell lottery tickets, they don't sell cigarettes, none of that. They want you to come into that store to get all of those items, so once they have you in the store, they have a captive audience and that's what their goal is.

Attorney Shipman: Yeah, they want to entice you onto the property and then they want you to come in and spend more than a candy bar.

Richard Hayes: Come in for a candy bar, go out with a bag of groceries. That's the objective.

Commissioner Schatz: You know, they brought up about traffic, but if you go to the other Stop and Shop stations or fueling stations, those prices are higher than Citgo down here on Cedar Street, so nobody is going to go there, and say I'm going to fuel up at twenty cents more. The guy that is going to go there is like me. Where I shop at Stop and Shop and I sometimes get sixty, seventy cents off of a gallon. I mean, it's going to benefit everybody I think personally.

Attorney Shipman: Couldn't agree with you more.

Chairman Pruett: Anyone else?

Commissioner Lenares: I don't know about that, I usually try to get gas whenever I need it, even if I have to pay a little bit more. I get gas right across from where I work everyday, and it is a little bit more than it is on the turnpike, but, in any event, just to clarify my comments that I made last meeting, Mr. Hayes, I just want to make sure that I was clear, I don't know if I was or wasn't when I talked about competition. I just didn't want that to be a reason for approval or denial.

Richard Hayes: I appreciate what you were saying.

Commissioner Lenares: I just don't want that to be a factor because as I said, I am a business owner and of course you want less competition for your own type of business, I agree, but I don't think that that should be a factor, whether there is a gas station, fueling station, whatever you want to call it, within reach of that one, I mean, I just don't think that should be a factor, so just wanted to make myself clear.

Richard Hayes: Thank you.

Attorney Shipman: The only thing I will say is that I shop in a lot of different places for gas, but not where they differentiate between cash and credit.

Chairman Pruett: Okay, this is a public hearing, anybody from the public wishing to speak in favor of this petition?

Gary Bolles, 28 Burdon Lane, Newington: Mr. Chairman, Members of the Commission, I do shop at Stop and Shop on Fenn Road. I would be very happy and pleased to see a gas station there. I know there is one presently in Elmwood at the Stop and Shop, there's one in Berlin. I like to save the thirty, or forty, or fifty cents and it would be very conducive for me to go to the Stop and Shop on Fenn Road to get my gas, rather than to travel to Elmwood or Berlin. I know that it is a very clean operation, just like the gentleman says, so I'm totally in favor of this. Thank you.

Chairman Pruett: Thank you. Anyone else from the public wishing to speak in favor of this? Anybody wishing to speak against this petition? Seeing none, consensus of the Commission maybe is to close this and move it forward? We're going to close this portion from public hearing and move it forward.

B. PETITION 28-11 – 3573 Berlin Turnpike at corner of Rowley Street, known as Maguire Sports Bar, Brown Realty LLC owner, contact James Brown 59 Cove Road, Lyme, CT 06371 request for Special Exception Section 3.19 and 3.15.4 restaurant use with drive through window service, PD Zone District.

C. PETITION 29-11 - 3573 Berlin Turnpike at corner of Rowley Street, known as Maguire Sports Bar, Brown Realty LLC owner, contact James Brown 59 Cove Road, Lyme, CT 06371 request for Special Exception Section 3.19 restaurant use PD Zone District.

Chairman Pruett: Anywhere you would like to speak from, the podium, but just state your name and address for the record, please when you are ready.

Ozzie Torres: Mr. Chairman, my name is Ozzie Torres, I'm a professional engineer registered in the State of Connecticut and I've been working with Mr. James Brown, the owner of the establishment here on the Berlin Turnpike who is seeking the petition before you which is for a special permit for a restaurant use in the PD Zone and also for the drive-through window that we are proposing on the proposal. If I could explain to you, first of all, you all know pretty much is out there now. Presently the site is the existing building with the three different uses in there, sports bar, a couple of restaurant uses and the cabaret. The parcel is about three acres in size, 3.95 and the existing conditions of the parcel, the building has 8,900 square feet presently. There are 158 existing parking spaces in the paved area, and then we have room for overflow parking in a large gravel area in the back. The land basically slopes towards the southwest corner, toward Rowley Street where there is one catch basin that drains the entire parcel and goes out into the Rowley Street storm system and down into the

culvert. There are two means of egress and ingress into the property. We have it here at the Berlin Turnpike, and on Rowley Street, a little close to the intersection presently at this time.

The entrance to the parcel on the Berlin Turnpike is 45 feet wide and the other curb cut on Rowley Street is 62 feet wide. The existing building is served by all of the utilities which are required, basically sanitary, storm, water, gas, sewer from the existing sewer line in the back of the parcel, gas from Rowley Street, water from the Berlin Turnpike and storm system as I mentioned before, goes out to the existing water course. Lighting for the use today is done by basically some large pole mounted box lights basically I would call them, where there is quite a bit of light, but it functions well, it protects anyone at night using the premises. The present drainage situation is such that, as I told you, just one catch basin drains the entire parcel, three acres of land. It's all over surface type of drainage, and there is no means of controlling the outflow. It is only controlled by the fact that there is a fifteen inch pipe there right now. That goes into the Rowley system, ties in with water coming from the Berlin Turnpike and goes into the water course with no kind of water quality control or water flow control. This is all present. Now, you can see under the present conditions, there is very little green within the parcel, just around the building basically. The portion around the building otherwise is parking. It's all paved and stripped and this gravel area back here, again it's a stony gravel area that is not conducive to grass growth. Basically it was planned to be an overflow parking lot area and was approved by Wetlands years ago so that he could use it as such. Again, you want to realize also that there is very little grass in front of the building and even though this is outside of the boundaries of the property, Mr. Brown has been able to use that state property for parking for years. Now the proposal is quite different as you can see. Now we look at all of the grass that we are going to include into this parcel. First of all we are going to include ten percent within the parking lot, the required ten percent, we have a little more than ten percent and then these areas which now have very little grass in them will be extended all of the way to five feet within the property line, into the property so that is part of the petition tonight, to allow us to reduce the thirty-five feet within the property which you would see, thirty-five feet would really encumber this parcel in a way that we wouldn't have the amount of development that could well be done as we are planning here. Therefore, we are going to use sixty-five feet of the state highway land which is now pretty much paved, we're going to restore that grass and we're going to make that a larger than thirty-five foot grass strip in that area. As you can see, our percentage of green will increase by quite a bit. Now the buildings proposed are a restaurant and coffee shop, a bank and a retail building. The restaurant/coffee shop is 4200 square feet approximately, the bank is 4300 square feet, give or take a few, and the retail is 15,400 square feet. The parking requirements for these are about 150 spaces and we're providing about 152. Give or take a little adjustment as we go along with any comments that come along. The lighting will be similar to the Newington Fair lighting. We've proposed to use the exact same type of lights, the same heights, the same wattage so that it will all work together in the neighborhood. That is shown on the plan. The traffic flow that we have planned is to connect us to the Newington Fair, so that we can have people come in from Stew Leonard's and Toy's R Us and so forth, come down and get coffee, use the bank, or the retail use, and work their way out to the highway. They can come out to Rowley Street and as you can see, what we are proposing is an area behind the building for servicing to bring in all of the goods to the shops, and then a couple of dumpsters for that area. The traffic flow would be so that trucks could come in from one direction through the back and out again and service these buildings as well as to proceed into the rest of the commercial site. People coming in from the Berlin Turnpike can come directly through and go to the bank or come around and stack up in the window for the coffee shop, stack up for the bank for the window there. We have worked very closely with the coffee shop and the bank so that we provided on this plan an accurate description of how they want their windows located and the amount of stacking room in the drive though, so what you see here is 99 percent what is going to happen on the site, we're hoping.

Now again, the site will slope towards this corner. It has been designed now with a drainage system that before was nonexistent, now we will have quite a bit of drainage on the site. As you see here, this is quite an elaborate erosion control plan, which our second sheet is utilities and erosion control. We also have a previous plan, during beginning of construction, so there is a phase one and phase two erosion control plan and it pretty comprehensively tries to protect the environment of this watercourse. We have again now collected the entire storm system to an underground detention system located at the southwest corner which will then discharge directly to the watercourse instead of going into Rowley Street. Now what that affords us is the chance to clean the water because we will have water quality units at each of these inlets to the detention structure as well as built in water quality units within the detention system, they are called isolater rows which are designed specifically with that kind of storm water system. The system has been designed according to the regulations to handle up to the ten year storm, with no increase in runoff out to the watercourse, so the proposal then will not hurt the environment, it will actually improve the whole situation of that runoff from the site that presently occurs. Also it will improve the drainage within Rowley Street because it will not be using their system to tie into. We will control the flow through a small orifice at the outlet, and there is enough storage there as I said to handle up to the ten year storm. We combined our efforts of designing this system with the original study done for Newington Fair and the other ponds that are designed there. We obtained the information from Fuss & O'Neil who did that study so that we were really sure that when we discharged out into the brook we're following what is happening with the rest of the existing system. Now this plan here you can see all of the roofs will be connected to the storm system where again, that may not have happened before on the original site.

The buildings will all be served with sanitary sewers, we'll have sanitary here, sanitary sewers separately. We met with MDC, they are in compliance with this plan, they will have to go through an approval process, but it will be during construction permits. Electricity comes off of the power lines here on Rowley Street and will be feeding the buildings and the gas service will come up in front and then come forward into the units. We will be serving water from the highway and there will be a water connection over here to the driveway into Toys R Us. As I said, the lighting will be in accordance with what you presently have around the shopping area.

Now the buildings as you can see on the rendered elevation are quite impressive I think. Chase Bank has a typical type of building, so we had the architect work with those colors and textures so that the rest of the buildings will be similar. The elevations as you can see are around us on the boards and they're quite impressive and we're trying again to make this blend in with the rest of the Newington Fair and make it really something pleasant to look at as a gateway into Newington. We have the colors and the textures for the various materials and if you look at the drawings and the ones that you have before you, you will see where the numbers correlate to the colors, the number two is the brick, and the number five is the fascia and some of the designs around the top portion of the building. This will be similar to the cornice work in particular places, much larger of course. This is a small scale, the shingles as you can see here, the colors.

The dumpster locations are shown on the other plan, basically we have a couple of dumpsters planned for behind the large building, retail building, dumpster that will serve both of the restaurant uses, and the bank, they don't use a dumpster. They have their, most of their trash is shredded and taken out by maintenance people for security purposes. There will be a chain link fence installed along the back of the parking area so that again, we are protecting the environment, we've moved the building forward fifty feet from the watercourse so that we wouldn't be asking for another variance, another waiver. We understand that that's a requirement and that way, we also stay fifty feet away from the watercourse to satisfy concerns by the Wetlands Commission, the Conservation Commission.

Maintenance and management will be by the owners, so you know that they are going to take care of the parcel. They are going to make sure that this rear area stays clean, the

dumpsters are kept up, and they will have surveillance cameras, and that is shown on the plan already, on the back of that building so that, again, to prevent people from leaving trash, abandoning things and so on, and also to prevent any debris from going out into the watercourse. The owners themselves worked to get lead certification for all these buildings and the entire project. The coffee shop, Starbucks, I can use that word, they are lead certified all over, all their projects so they would require it and again Mr. Brown and his son planned to do the entire project lead certified. I think that pretty much covers what we would like to say, I know I went a little over what the special permit was about but I think that will help you to make a decision on this project. If you have any questions, I would be glad to answer them.

Chairman Pruet: Snow storage, what are your plans for it?

Ozzie Torres: Well, I think it will be taken, I'm going to have to ask the owner, if you don't mind, how they manage it now and how it would be managed at that point.

James Brown, 59 Cove Road: As far as snow storage is concerned we'll actually use loaders for that, not plows because some of this starts to get pretty tight. You've got areas here for snow storage, presently you run snow storage here, snow storage here, we'll run some snow storage here, and some along here. Basically the same thing that the abutting property owners do but a lot of it will be done by loaders. You won't be able to push it. It's a pretty busy parking lot with green spaces and islands and everything else and it really doesn't lend itself very well to plowing. With loaders, we can pick up the snow, we can put it exactly where we want it, that's something we looked at and we decided that we had to buy a loader to keep the snow taken care of.

Chairman Pruet: Good. Thank you.

James Brown: Well, I'll just add, presently insofar as it's concerned when we just had this strip up here you wound up with almost a wall, now you've got a much larger area in order to deposit the snow. Another reason for loaders is we've got plantings along here, the annual and perennial beds you can bury, but these you can't so we'll step it over the top to be sure that we maintain those, and for what little it's worth, it has nothing to do with the question but all the curbing will be concrete too. We want the project to last and to stay attractive. Are there any other questions for me?

Commissioner Anest: I have a quick question, the traffic flow that is part of Newington Fair, I mean, there's not a lot of stop signs on that. Are you intending to work with them to do more...

James Brown: There is a missing stop sign on that, as a matter of fact. You've got that line across the road, and nobody ever put a stop sign up.

Commissioner Anest: Correct, and it's dangerous.

James Brown: That will definitely be addressed.

Commissioner Anest: So you will definitely work with Newington Fair for traffic....

James Brown: Absolutely, as a matter of fact, we had to work with the owners anyway in order to make the cuts into their property. Needless to say, what is there now, and what we are proposing, then I'd really have some problem with, I mean, it works for the entire area.

Chairman Pruett: Ed, have you, maybe you can answer some of the questions that the Commissioners might ask.

Ed Meehan: I think the applicant has presented you a plan for both the drive through and the standard site plan as well as the sit down restaurant, so there are a couple of sections of your regulations that you should take a look at, and I'll relay those and explain them. Drive through restaurants were brought back into the regulations in April 2011 and the Commission modified the standards. The key measurable standards for drive through restaurants are the location relative to the intersections, minimum of 150 feet distance back from a corner intersection for traffic safety. Both of these driveways comply with that separation setback, Rowley Street is a town road, so we control that, the Department of Transportation controls the in and out on the Berlin Turnpike. If the Commission approves this, the applicant needs to sit down with probably District One, down in Rocky Hill to go over the proposed changes to the state right of way as far as removal of parking and greening that up, and also the in and out movement at that intersection. We've talked many times with Mr. Torres and Mr. Brown about this. They may only limit entrance into that site. It's their decision, they may not want to have cars come back out because of the use, the traffic generation would be expected to be higher than the present use. It still operates well with the site because it was mentioned that they have choices going back into Newington Fair or out to Rowley Street to the traffic control signal as a safety measure. The other standard is if the Starbucks drive through window is going to have a speaker it needs to be 300 feet distance from any residential unit. There are no residential homes within 300 feet of this proposed location. Only one drive through on one side of a restaurant is permitted, that's being proposed to you for one drive through. Then, the other thing that the applicant needs to mention is the peak hour queue for the proposed drive through window. I know you have provided me with some counts I think from Starbucks in Massachusetts, is that right? Maybe you could put that into the record, there's enough queue inside the site because of the way that the driveways are set up, but I don't want to make your presentation for you, but I think there was six to seven cars, max....

James Brown: Six cars, and you are figuring twenty foot cars and all of the cars are not twenty feet. We've had a half a dozen discussions on the length of the drive through, how the traffic flow is going to work. Needless to say, this isn't new to our tenants. They have done this thousands of times. All these plans were subject to their approval. How many changes have been made?

Ozzie Torres: Seven.

James Brown: Seven changes, until they got exactly what they wanted and what they want is something that works well. They don't want to back up traffic, they don't want to hold up the customers, and they probably, I hate to say it, would be the best judges. Ed had mentioned a traffic study and we got ahold of them and they sent it down to us, but we were, we had a number of discussions with their engineering department and we were told this is exactly what they want. This is exactly the way that we want it laid out. Even to the placement of the window, so it's something that has been looked at, more so on the tenant's side. I don't purport to be an expert on drive throughs, they've got thousands of them, they are.

Ed Meehan: The only other thing, well, this is sort of an introductory of this project to this Commission. They are before wetlands next week for their permit, and then they would come back to your Commission, either to continue the public hearing or for decision. The wetlands action is critical to the back part of this site because of the existing watercourse that is there, so that is a big part of this application. The other thing for the Commission to consider is the request for waiver of the thirty-five foot front yard green space. A waiver of, they are asking thirty feet and eliminating the parking in the state right of way. This is a corner site, and it's

also I believe somewhat constrained by the presence of the watercourse on the west side, and it's also an important gateway site coming into Newington, which if you look across the street at Northeast Utilities, it's a very pronounced demarcation, you are coming into Newington because of the topography and the green space in front, and the building on the hill. I think the changes that are proposed here with the architecture will also set a nice entrance into the town, so at staff level I would recommend that you consider that waiver and the other reason for this site being a good site is as Mr. Torres has mentioned, just the improvement in the water quality at this corner of the Berlin Turnpike. There is no storm systems that separate sand and gravel and silt out of the watercourse before it gets into that section of the Mattabasset, goes south into Berlin, and the fact that we are actually going to end up with more green space now than we have there now, which is an advantage to this site. The architecture, I had a little chance to look at it. We're talking about two buildings out front that actually are going to be treated as four fronts because of the circulation and parking around these buildings. In our staff meetings we've asked them to make sure the dumpster enclosures are presented as wing walls, as part of the building, and the bank is not going to have a dumpster but the restaurants will generate a fair amount of waste and they have a dumpster, it's attached to the building, it will be disguised as part of the building, so that's a good move, and it appears that the parapet on these proposed buildings are high enough so that the HVAC systems are all sitting down below the parapet, is that correct?

James Brown: That's correct.

Ed Meehan: Okay. I'll have more to talk about at your next meeting. The town engineer is reviewing the drainage calculations and we will start to look more at the parking count for this site.

Commissioner Aieta: I have just a question. Have you run this by the State of Connecticut, using their property? Do you have the waivers and permits and had discussions with the State DOT?

James Brown: Well, we won't be using their property. We'll actually stop using their property. I've been using their property.....

Commissioner Aieta: You will be working and upgrading their property so you have to have permission from the State.

James Brown: We are going to get the encroachment permit, yes. I have already been down to District One, and I have talked to a couple of gentlemen down there, and they have their engineering staff reviewing it now.

Commissioner Pane: Yes, the only question I had was the existing building that is down there, how many square feet is in there?

James Brown: 8,900.

Commissioner Pane: Thank you very much.

Chairman Pruet: Okay, any other Commissioner comments? This is a public hearing, and members of the public wishing to speak in favor of this petition, come forward. Anybody from the public wishing to speak against this petition? Seeing none, due to the fact that we have some more items to address, we'll keep this open I think, so we will keep this open and move it forward.

III. **PUBLIC PARTICIPATION** (relative to items not listed on the Agenda-each speaker limited to two minutes)

Rose Lyons, 46 Elton Drive: I've been attending TPZ meetings on a regular basis for about three years now and on a few occasions I've asked about the ordinances regarding blighted properties. I was under the impression that this Commission was working along with the Town Council, other town officials, and the Town Attorney to rewrite the ordinance to include occupied as well as unoccupied properties and to put some teeth into the ordinance in order for the Zoning Enforcement Officer to enforce the ordinances. I'm sure that there are other changes to this code. I had expected that the ordinance changes would be discussed by the Commission, however a subcommittee of the Town Council was formed and the ordinance was re-written, perhaps they were given guidance by this Commission but I'm not privy to that information. I don't know what the procedure is, whether the Town Council makes the changes to the ordinances, they have a public hearing and then it has to come to you for approval, or whatever. In any case, last night at the Town Council meeting the blight ordinance code was presented and in attendance was the Director of the Central Connecticut Health District and our Human Services Director. There were fourteen pages to the new document, but I could not determine if the entire document was re-written or not. Therefore I requested that when a public hearing is held that the document be presented to the public in a manner in which we can see what was added or deleted. In addition I requested that our Town Planner and Zoning Enforcement Officer be present at the public hearing in order to maybe answer any questions that the public may have. I'm just bringing this to you tonight in hopes that you had some input to it. If you didn't have any input into it, I hope that you will look at it, and somebody from this Commission be at the public hearing, or give some advice to the Town Council if there is any comments that you have to make on it. Thank you.

Chairman Pruet: Thank you. Anybody else from the public wishing to speak? State your name and address for the record please?

Stephen Tiskowski, 202 Barkledge Drive, Newington, Connecticut: I happen to live in the unit in the Woodlands of Newington development. Mr. Chairman, Members of the Commission, Mr. Meehan, I appreciate the opportunity to speak. I'm here tonight with several of my neighbors who also happen to be on the Board of Directors of this condominium to express our concerns and really our disappointment that what we believe was a premature decision that this Commission made at its July 27th meeting to release the major portion of the performance bond back to the developer. There are still some significant drainage issues that remain up in our subdivision. With that said, I have to publicly acknowledge the assistance that the Town Planner and the Town Engineer have recently given us. We've met with them, and they were good enough to come back out and review our situation. We just wanted to publicly state that there still are issues and I don't have to tell this Commission that the purpose of a performance bond is to basically guarantee that the improvements that this Commission requires get done and that is what ensures that to happen. In fact, the town, even when the improvements are turned over to the town, my understanding maintains a bond for a period of one year to be sure that those improvements are satisfactory. We are in a position now where we have to deal with the developer and try to get some of our issues resolved with no leverage whatsoever. I'm not a professional engineer, I still would welcome all of you to come out and walk our facility. The Town Planner has done that. It does get a little bit frustrating sometimes when you still get blamed for simply our sprinkler system which has been off for over a month now. The little bit of rain that we had today, we have major pooling and puddling of water, and I had to smile when the gentleman that was up there proposing the development at McGuire's was going over his drainage system. I'm sure five years ago you heard the same thing from our developer, well, come on up and walk it, because you know what folks, it's not working. Appreciate it, thank you.

Chairman Pruet: I believe this is before the Town Council, Ed?

Ed Meehan: The road acceptance for Barkledge and Sterling are before the Town Council and there is a referral report from the Town Council next, under Communications and Reports. I can give you more detail at that time.

Chairman Pruet: Okay, fine.

Commissioner Aieta: Mr. Chairman, Rose brought up some interesting facts. Can we have a brief discussion on that, because I don't remember that ordinance coming at all to this Commission? Maybe I was absent or something but I don't miss too many of these meetings. Is that on the agenda someplace?

Ed Meehan: The Chairman asked me to provide to all the members tonight the draft that was discussed last night at the Town Council, so it is on your table right now. The draft as I understand it was presented last night came from the sub-committee that worked with the Town Manager on this, the Town Attorney had input to it, as did the Director of the Central Connecticut Health District who has some experience in blighted ordinances in his work over in Wethersfield. I sat on that committee. We had a few meetings to get it in shape, basically what is being presented at public hearing is a draft of an ordinance that has been around for about a year and a half. It goes back to work that Paul Hutchinson did for the Health District and Town Attorney Ben Ancona had his input into it. So the public hearing I believe is, the night of the public hearing to be set will be discussed at the Council's next meeting which is October 25th, so the hearing would be after that date, and the reason that Chairman Pruet wanted me to have it out here tonight is so that you could get copies and between now and the 26th I guess, look at it, and when the public hearing is scheduled is to have input into the public hearing process. I will continue to have input into the Town Manager's office. This is quite different than the existing blighted ordinance which pertains to vacant buildings, this pertains to occupied buildings, has a lot more in this particular draft has to do with what we call nuisance items, height of grass, materials in the yard from broken lawn mowers and other items that fell between the cracks before that now can either be cited primarily by the Health Department officials but also in some cases by the Zoning Officer. I think it has been modeled after other communities, so I would leave it to you to look at it and see if it meets the expectations that you have for a blight ordinance.

Commissioner Pane: Mr. Chairman, are we going to be able to give some input on this before they present this to the public? I mean, they are presenting the draft to the public, so now if we look at it, and we want to propose a couple of changes, they won't be proposed until after the public hearing?

Ed Meehan: I would think you would do that as part of the public hearing process. It's the Town Council's ordinance.

Commissioner Pane: I understand it's the Town Council's ordinance, but we have input on it because the Zoning Enforcement Officer works for us.

Ed Meehan: Well, I don't, the mechanism of how you get your input and when you get input, is I don't think it's as important as you get your input at all, the substantive changes you want to see in this from the knowledge of Commission members who have been Planning and Zoning Commission members for a long time, the real operations of how things get enforced and the appeal process, the fine process that is pretty much standard. It's modeled after the citation process and the hearing officers which are now in place.

Commissioner Aieta: So it did cover the citation that we have been talking about for years?

Ed Meehan: Yes.

Commissioner Aieta: Okay, thank you.

Chairman Pruet: Just a clarification Ed on the public hearing, would that be the day before our next meeting?

Ed Meehan: No, that's the night they are going to set the hearing date, and they cancelled the November 8th meeting, so the hearing won't be until some time, I would think at the Council's pleasure in probably November or December.

Chairman Pruet: So we have time.....

Commissioner Anest: Can we get a red line copy for our next meeting, in our packet.

Ed Meehan: Okay, I know what you mean, the notations on the side? Yeah.

Commissioner Anest: So we know exactly what was added, what was subtracted and I just want to state my disappointment, I thought we were going to have a little bit of input during these meetings. I thought we would have gotten some reports all along with what was happening with this, and it says, draft proposal date, 9-16-11 and here we are a month later, just getting it.

Ed Meehan: That date was, it actually went back to like August

Commissioner Anest: Well, I'm just looking at the date on the actual document.

Ed Meehan: I don't know why the committee didn't refer it back.

Commissioner Anest: They didn't refer it back, and I'm extremely disappointed because I know Frank and Domenic had been pushing for this, we've all been pushing for it, but they've been vocal on this, and I think it should be brought to the Town Manager that it should have come to us before it even went to the full Council for our input because now, we have to go before the public hearing and have a representative at the public hearing to try to get them to make changes and I think we should have had a little bit more input prior to that.

IV. MINUTES

September 27, 2011 Regular Meeting

Commissioner Aieta moved to accept the minutes of the September 27, 2011 regular meeting. The motion was seconded by Commissioner Camerota. The vote was unanimously in favor of the motion, with seven voting YES.

V. COMMUNICATIONS AND REPORTS

A. 8-24 Referral Report – Street Acceptance Barkledge Drive and Sterling Drive.

Ed Meehan: The item under Communications and Reports is the 8-24 referral from the Town Council on public street acceptance of Barkledge and Sterling Drive. The history of this goes back six or seven years I guess, when the project first came before Planning and Zoning and

made it through the mill and was constructed. The Town Council has needs to schedule a public hearing on this item when they vote on acceptance. The developer has provided the town with the as built plans, the drainage agreements, the deeds to the two streets, the warranty deeds. We received from the home owners association a release of hold harmless for the irrigation system, which is in the town right of way in numerous locations. The town, as part of our bonding process secured a one year maintenance bond of \$20,000 which covers the area within the town right of way, which is the street, sixty foot wide street right of way. The town does not own the basins, the drainage basins at this development. It was a decision of the Planning and Zoning Commission as you have done in the past, not to own the basins, but just to retain drainage rights to them. So our \$20,000.00 is to correct any defects that the Town Engineer determines necessary to correct a year from now, when he does another inspection. He probably would inspect this project in September, 2012. Last week, it was mentioned, one of the members of the home owners association, we met with them and they brought in information expressing their concern and disappointment that some items were missed in the public right of way as well as in the home owners association property. We went up on the following day, or the subsequent day, the town engineer and I and we walked for a couple hours up there with one of the officers in the home owners association. A couple of items that they mentioned, they are correct. There's a, they had a temporary mail box stand on the entrance road and the developer did not remove the base of that, which is, they need to cut the bolts and backfill it and loam and seed it, and there's probably five or six sidewalk slabs that have cracks in them. There were some other questions of a particular item was in the field as far as piping and what its purpose was, some questions about what we call silt trap covers which were put on basins, yard drains to keep the sediments from going into the storm water system and I think we explained those in our field walk. The major concern in the town side of this, let me divide this up into two sides, is what we have as town property, the future right of way, the concerns that we have on the table and there is a staff report for everybody listing these, plus the copy of the e-mail that I sent to Pulte and copied to the homeowners association. The items that we have on our list right now are obviously the repair of the sidewalk cracks and the repair of the mail box area which are essentially minor, and I would recommend that we do those when we do a final punch list a year from now. So we see what happens over the winter within the public right of way. The area of the private property that is under the control of the homeowners association, there was an area which we feel Pulte should go back and re-grade. The water was not flowing correctly, away from the foundations, it's in the southwest corner of the site. It's an area that they missed and that needs to be swaled so the water flows away. The numerous areas on this property as the speaker mentioned earlier where the area is kind of flat around the yard drains, and the grading is correct. In the yard drain lawn areas, the water is flowing to the yard drains and we were there after a major storm event, a heavy rain event the night before, and we've documented the rain so far this year, particularly in September we have had an extraordinary amount of rain, five or six inches, but we can tell by the condition of the lawn that the yard drains are working, and we recommended that, and I'll come back to the irrigation system, you cannot irrigate a site like this with heavy rain on a daily basis. We talked about that before, and I think that needs to be looked at. The maintenance company in these areas where there are yard drains needs to, it's called aerate the soil. You go in with a machine and you try to pulverize the soil to soften it up. The soil is, particularly along Barkledge, the newer section, the lawn is well germinated but there's spots, and it was pointed out, there are actually wet spots there, so wet and have been wet for so long, they're slimy. That's because the soil hasn't been aerated, the water is not perking in. This is the ideal time to do that, with some over seeding. We observed that one of the swales was recently repaired with grass matting to get the grass to germinate and not wash away. There were probably four or five yard drains that were still covered and should remain covered until the end of the growing season into November. The purpose of the trap covers are so that the grass clippings and the silts and whatever debris is flowing after a heavy rain

event doesn't end up in the storm water system and so those are necessary to remain, and it's Pulte's responsibility to take those away. Just before the meeting, the gentleman who spoke called to my attention another wet area that they feel was missed. It's an area that staff looked at back in April and May, it's an area that was reshaped up and grass matted. It is wet, it's on the southerly side of the property, adjacent to the apartments on the next property over. I don't think it's grading, but I think it's an area that, I don't want to fight about it, I think the Town Engineer ought to go back up and look at it, and see if some physical changes to the area can be made, either reswaling it, physically re-grading it, or extending a yard drain to it. It's an area that gets a lot of shade and gets a lot of water. So that has to be looked at, and there's a lot of work that needs to be done in the way of maintaining the lawn area up there. Again I say, less watering, aeration, over seeding, on my staff report today I called the project manager who we dealt with at Pulte and asked him to respond to the e-mail and verbally he said that they were going to go back up and remove the silt traps, they would fix the area I mentioned, it's in the southeast corner, I'm not quite sure of the unit numbers, but there is a knob of rock that pushes the water back toward the house. Their contractor has to come back and fix that and the third item was he would do some over seeding. I don't know if the homeowners association has a relationship with this gentleman, I'd be happy to provide the name and act as a coordinator to meet up there with him. Again, walk around the area, but this area is not within the town right of way, but as we said on our staff walk, we think some of these things can be easily fixed. They will need more time and they're not covered by our bond and that's the bottom line. We can't, I don't believe use our bond which is a public road bond to do some of the maintenance items in, particularly in the last phase of this project to be created. So that is where it stands. The Town Council will hold a public hearing on the acceptance. When they schedule that hearing I don't know because of that election schedule.

Commissioner Pane: They won't schedule that until they receive this 8-24 referral from us, right?

Ed Meehan: Yeah, you have 30 days on the 8-24.

Commissioner Pane: Mr. Chairman, I don't mean to interrupt you Ed, but I think this Commission should put the 8-24 on hold, and I think this Commission owes it to the public that is living up there to do another site visit up there with the Association, with Pulte, and try to iron these problems out, and then send it back to the Council when we feel that everything has been taken care of.

Chairman Pruett: Okay, I think you heard Ed too, that he would serve as a facilitator with the association and Pulte to address these concerns too.

Commissioner Pane: I'd like to go up there and take a visit myself. I think the Commission should go up there too. We went up there, and this Commission was led to believe when we released the large performance bond in July, this Commission was led to believe that a lot of the problems were taken care of, and now there is no more money left, right? Everything was returned?

Ed Meehan: No, the problems that were taken care of were the problems in the public right of way. We're talking about, \$20,000.00 there is money left, \$20,000.00 for a one year maintenance bond.

Commissioner Pane: When we went up there last time, there were things that were out of the public right of way, and Pulte said that they were going to take care of it, and we were led to believe that they were taken care of. I'm not blaming anybody.....

Ed Meehan: I believe that most of those, if not all of them, were taken care of.

Commissioner Pane: I believe you, but I'd like to take a visit up there, and see for myself before I vote on this. Thank you.

Ed Meehan: I would just ask that we have, I don't want to call it a final punch list, but we've got to have an agreement on what is going to get done. We had a fifteen page, a fifteen item punch list and.....

Commissioner Pane: I agree with you, because I think a lot of it is over-watering.

Ed Meehan: Well, yeah, but it's also time and maintenance. I mean, the watering is, we have pictures that folks showed us and they complained about the watering and the sprinklers are on. There were sprinklers on during Hurricane Irene, or tropical storm Irene around that weekend. That's again, it's the maintenance people who work for the home owners association that need to have a water gage, or someone has to be able to shut it off.

Commissioner Pane: One final inspection up there to see if some of these things are truly Pulte's responsibility or if they are maintenance, I think we owe it to the Association up there to do one final walk through, with the Town Planner, with the Town Engineer, with the Commission members, somebody from the Association, get a final list to see what kind of problems we have up there. Thank you Mr. Chairman.

Chairman Pruet: Any other comments from the Commissioners on this? Ed, are you through with your comments?

Ed Meehan: Yeah, I just would say that the staff report is available to the home owners association, the e-mail I exchanged with Mr. Shuman at Pulte Homes and my notes from the phone call, this mornings phone call are available and my offer to call him, and as Commissioner Pane said, set up a meeting, you guys can go up individually or walk it with just the TPZ members and the homeowners without Pulte, however you want to set it up, and I would suggest that you do it before the clocks get turned back in a week or two.

Chairman Pruet: If you could coordinate that Ed, and set it up, and give us maybe a couple of days, let's postpone this until we have more information and an overview.

VI. NEW BUSINESS

- A. PETITION 30-11 – 3573 Turnpike at corner of Rowley Street, known as Maguire Sports Bar, Brown Realty LLC owner, contact James Brown 59 Cover Road, Lyme, CT 06371 request for Site plan Development, Section 5.3 for multiple building commercial plaza and waiver of front yard green space setback, Section 6.10.4 (B) Inland Wetlands Agency Report required.**

Ed Meehan: I believe the applicant left.

Chairman Pruet: He was probably under the assumption that he covered it. We'll just refer this to next time.

VII. OLD BUSINESS

- A. Petition 12-11 – Toll Brothers, 53 Church Hill Road Newtown, CT 06460 applicant, Balf Company owner request approval for open space subdivision development, 71 lots single family homes, 73.7 acres for property north of Old Highway and west of Russell Road, Assessor's Map Block Lot No. 11/329/000, R-20 Residential Zone District. Public Hearing closed August 24, 2011. Sixty-five day decision period ends October 28, 2011. Continued from September 27, 2011. Inland Wetlands Report received.**
- B. Petition 13-11 – Toll Brothers, 53 Church Hill Road Newtown, CT 06460 applicant, Balf Company owner request for Special Permit Section 6.8 Zoning Regulations for open space subdivision, 71 lots single family homes 73.7 acres for property north of Old Highway and west of Russell Road, Assessor's Map Block Lot No. 11/329/000 R-20 Residential Zone District. Public Hearing Closed August 24, 2011. Sixty-five day decision period ends October 28, 2011. Continued from September 27, 2011. Inland Wetlands Report received**

Chairman Pruet: Ed I believe you had some, a memo listing a lot of our concerns, if you would like to elaborate on them, we'd appreciate it.

Ed Meehan: Thank you Mr. Chairman. As I mentioned at the last meeting, I went through a quick list of items that I have been collecting from the beginning of the public hearing process back in May. Items that staff reported, or that we heard from the public or Commission members brought up as the plans began to evolve going through public hearings. I touched on a few of them at the last meeting and in your packet I sent out a staff report which lists 19 or 20 comments about this development, observations that I would present to you for your consideration as far as modifications to the plan, or modifications because the plan the way it is currently designed doesn't meet some of your regulations. The example would be, we have the Old Highway greenway, and the Zoning Regulations that were adopted pursuant to the Plan of Conservation and Development for greenways established a fifty foot buffer. Initially one of the earlier plans that was presented, there was encroachment into that fifty foot buffer by some home site backyards. The plans were revised to remove the actual backyards within the fifty foot buffer, but the plan that I put together on the wall still shows grading, and before you grade, you have to cut, tree removal and grading in the fifty foot buffer. Also, one of the storm water management areas in the southeast corner at the intersection of Russell Road and Old Highway, about fifty percent of that is in the greenway buffer, so what I want to do, with your permission, is walk you visually through the memo with the map on the wall. I think you know, this map is available obviously to the public and Commission members. We've been looking at half scales or we've been looking at power point presentations, the best way to look at a project this size is to piece it all together and pick one of the more significant plan sheets which is always your grading plan because that determines cutting, grading, drainage, is your grading plan and really get the sense of what is going to happen to the lay of the land, so I'll try to walk you through that and this will be available.

Just to get orientated, this is Russell Road, along the easterly side, Old Highway, Old Highway greenway runs from Russell Road down past the standpipe, down to Mountain Road, Connecticut Humane Society, Cedarcrest Hospital on the north, and the Cedar Mountain trap rock ridge line along the west side. So, working from west to east, this is obviously the high part, this part of the site is already protected by zoning regulations as the trap rock ridge line, the site drops very dramatically into a ravine, which is a regulated water

course ravine, runs northwesterly into the Knollwood neighborhood, then out to Connecticut Avenue. The site comes back up to a flat plateau into a wetland area, a large significant wetland, that's over in here, and then, this is where the proposed development single family open space subdivision starts. This footprint represents about 33 acres, the rest of this is proposed to be dedicated to the town as public open space, about 44 acres. The comment sheet that I gave you points out some design issues, some future water quality management issues, future maintenance issues that need to be clarified as we talk about this, and the most important ones in staff's mind are who is going to own the drainage basins? There are five storm water management systems on this site, two of them are in the proposed open space area, on the west side of the site, behind these homes here, and the town's position has been for at least the last fifteen or twenty years, is the town is not going to own these management systems. So they need to be removed from the public open space and they should go into a home owners association management and ownership and that means this becomes common land, this basin, this basin becomes common land, the basin at the corner, the southeast corner becomes common land, the basin on Russell Road, the basin up in the northeast corner becomes common land. So there needs to be a homeowners association set up, storm water management plan propagated and the responsibilities set forth by, the developer is going to disappear from this property and then it falls over to a home owners association, so from the town's point of view, we own all the plumbing system, all of the storm system in the street right of way, and also in these blue areas. These are where the street system goes in to the outfall in the management system so we would be responsible for maintaining and cleaning that. The maintenance over time of grubbing these out, cutting them, making sure that fencing is secured, would go to the home owners association. As I mentioned, this system down in the southeast corner, this is the Humane Society, part of it is in the greenway, and if the Commission feels that they don't want any intrusion into this fifty foot buffer, this system needs to be slid north and....

Commissioner Aieta: How much is in the greenway?

Ed Meehan: Grading wise, probably twenty to thirty feet.

Commissioner Aieta: Twenty to thirty feet?

Ed Meehan: Yes, in that area. The other concern that we have with this is that it shows a retaining wall down inside the basin, so they haven't given us top and bottom elevation on the wall, it could be a four foot wall, it could be an eight foot wall.

Commissioner Aieta: Got a fence, right?

Ed Meehan: Got a fence around it, and again, near a public street where it is highly visible, the desirable appearance of that and I would imagine that this would be three to one slopes, grass type basin that you could go in and mow, so in my staff report I mentioned this to you and also mentioned all these are grading lines that need to be replanted, that the buffer be re-established along Russell Road. The backyard, this is a yard drain system along these back yards which means they have to take the trees out, grade and put in the yard drains to go into this basin. The orange, or mustard colored line is the sanitary sewer system. All of this area will need to be cleared and graded along Russell Road, so you see, some of my comments are, reestablishing the planting area for the drainage basin, and replanting for the yard drains, and replanting disturbed by the sanitary sewer along Russell Road, and those are significant changes in this plan.

Commissioner Aieta: What would be required to move that out of the buffer area?

Ed Meehan: This here?

Commissioner Aieta: Yeah, what would we have to do to.....

Ed Meehan: I think you're probably going to move Lot #1 out, just take Lot #1 out completely, and try to fit it in here, or, I don't think they can squeeze any more lots in between here and here so maybe instead of ten lots in here, they end up with nine lots.

Commissioner Aieta: Would that help to lessen the effect of the clear cutting on Russell Road?

Ed Meehan: I think it's still going, because of the sewer line, which is not on the property, the sewer line is in the Russell Road right of way, but it would give it more land area to spread out so you may not need a retaining wall, it wouldn't be steeper than it is now, and probably you could get in there with equipment and mow. That's up to the project engineer to design this so it works. This yard drain is intended to intercept the water coming off the road and the yards into this system, not bring it out to Russell Road so that probably is not going to change too much, but these back yards in some areas could be replanted and in some cases, the Commission has reserved the right after clearing to require a developer to go back in and plant.

Commissioner Anest: Can we require them to put mature plantings in, and not (inaudible).

Ed Meehan: Well, two and a half inch caliper, three inch caliper tree which is like twelve or fourteen foot, hardwood or evergreen but there's not going to be like five or six inch caliper.

Commissioner Anest: This is probably a stupid question, but why can't the sanitary sewer line be moved in? Why does it have to be in the right of way?

Ed Meehan: Well, if they move it in, they are going upgrade, it would be more of a disturbance to the terrain than putting it within the right of way. Most of the time your sewer systems are in the right of way.

Commissioner Anest: Right, I know that, but I have a huge, huge concern with clear cutting the trees.

Commissioner Pane: A lot of them are going to remain there, there just.....

Commissioner Anest: Well how far in then are they.....

Commissioner Pane: It's close to the road, the sanitary sewer is within the right of way, so it's ten feet from the road.

Ed Meehan: Yeah, it's, the area for the sanitary sewer is as Domenic is saying, is along the edge of the road. It's the grading and the clearing to put the yard drain system in and to get the grading in the back yard for the storm drainage. As you go further north there's a line of trees that stay. The buffer is, the mature buffer would not be disturbed. It's from this blue line, down to here where there would be regarding and changes. If the storm system is moved up further, they may be able to pull it a little bit away from the road, but they still need to do some grading in there. That's why I would say the Commission reserves the right to restore, reasonably restore the trees that have been taken out to protect the greenway, and also to provide some privacy to the back yards in this area.

Commissioner Camerota: Plus it's going to look strange if you have a mature tree and then this is all seedlings in that area.

Ed Meehan: Well, there's not going to be a lot of trees left on this site.

Commissioner Camerota: No, on the line.

Ed Meehan: Oh, the line, yeah.

Commissioner Camerota: That would look strange.

Ed Meehan: The mature trees on this site are basically the perimeter. When you look at all these grading lines it's the perimeter of the site. The inside of this site is basically going to be clear cut. That's pretty clear.

Commissioner Aieta: They are going to have to clear cut it Carol, because they have to blast to put in the sewer, and everything else. They are going to clear cut it basically from the road all the way through the site.

Commissioner Anest: Why can't they leave the mature trees on the exterior of Russell Road?

Ed Meehan: Well, that's the point I'm trying to make, is that this area will be disturbed and the Commission can say, you can't put this in the greenway, you've got to move it, you may want, by moving it, they may save some of those trees, then you reserve the right to plant in this area, but from this area north, this limit of cutting, these mature trees stay. This area, band of trees stay.

Commissioner Pane: Ed, there's probably going to be mature trees all the way down between the, your blue line, your sanitary yard drain, and the sewer line, there will still be some mature trees there. If they're careful, you could leave some mature trees in there, depending on where they are.

Ed Meehan: Yeah, you could mark them, you could mark them before cutting.

Commissioner Pane: And I think the Commission should review the marking of what they cut on Russell Road.

Commissioner Anest: I agree with you and that is exactly one of my comments, that's why I was asking, where the sanitary sewer line is at the street edge, how far in is the blue line.

Ed Meehan: From here to here, about eighty feet.

Commissioner Anest: Right, so they should be able to leave the mature trees. Thank you.

Ed Meehan: Except in this area here because these dark lines are grading lines, which means they are going to cut the trees and then they are going to grade. When you get up here the site begins to flatten out so all these trees in here would stay and then these yards are graded out for home sites. So that, this basin is kind of important, it drains this whole southeast corner of the site.

Chairman Pruet: But bottom line, we have emphases to protect as much of those mature trees....

Ed Meehan: Yes.

Commissioner Camerota: And you have that in number five I think, right, about protecting....

Ed Meehan: And replanting.

Commissioner Pane: Ed, it looks like the sanitary sewer goes down Old Highway. Is that new, or is that existing?

Ed Meehan: No, this is new. There's a sixteen inch water main that goes through here now. They are proposing to run their sanitary sewer in the right of way of Old Highway which means there is going to be a disturbance to that pathway. I would think, I know that they want to do gravity flow, they want to bring it out to the lowest point and bring it back out to Russell Road.

Commissioner Aieta: Is that a requirement of the MDC?

Ed Meehan: Gravity flow?

Commissioner Aieta: No, this new proposal.

Ed Meehan: No, I think they just decided that it was a public right of way so they are going to put the sanitary sewer in the public right of way.

Commissioner Aieta: What would be the options if they couldn't do that? How would they drain, how would they sanitize this site?

Ed Meehan: I think they would have to bring it inside, go through easements out to Russell Road here. Move it up and bring it inside. This, if you walk out there right now, it's hard surface, hard surface in the sense that it is packed dirt and some gravel, but it's a tree canopy all the way through here. This is maybe twenty or thirty feet of cutting and the depth to be determined to put this gravity flow in here. As you may recall, they initially had their cul-de-sacs come all the way out, and we told them to pull them back, so they did get the cul-de-sacs out of the greenway. This lot, #48, I don't know if you can see it from where you are, but they are proposing to push the grading actually into the greenway. So again, this is an area where they either eliminate that lot or eliminate the grading, change the grading so they don't encroach into the fifty foot buffer.

Commissioner Pane: That would give the property a little bit more flat area?

Ed Meehan: Yeah, the home site is more flat in the back yard. The other big thing on this site is, this happened at the last public hearing, subsequent to the Wetland's concern about that seventeen hundred square foot wetland area, they eliminated a couple of lots, but they really didn't perfect the plan how they were going to solve that problem, and they show a detention basin vernal pool wetland area with eight to ten foot walls, not acceptable with these walls, chain link fence, and the quick plan they put together, the sketch, had the walls and the guard rail in the town right of way, which is not something we would accept. So this area plus lot #11 I'm recommending be completely redesigned. Lot #11 becomes a very marginal lot. You've got sanitary sewer line here, you have one of the basins on the north side, and you've got this other, it's not really a storm drainage basin, but a wetland area on the west side, all surrounding it. This lot I think ought to be eliminated, you know, they should do something, maybe make it part of the, again, make this basin bigger, so that it's not as steep and just take lot #11 out of there.

Commissioner Aieta: These details have to be addressed before we go on further in our discussion. We're looking at stuff, we don't even know what we're looking at.

Ed Meehan: This, again, this becomes all clear cutting in here, you've got a combination storm drainage, sanitary sewer, into a weir system and all these are grading lines over the property line into the Russell right of way to get the slope they need. So that is another area that I think needs to be designed. Those are major changes that change the form of this site. It changes the form of this basin and the lot nearby, it would change lot #48, it would certainly change these three or four lots in here.

Commissioner Aieta: Without a final design, you don't know whether they would lose Lot #11 and what would happen to Lot #1 and Lot #45, without them coming back and doing what they were supposed to do in the beginning, we don't know what it is going to end up being.

Ed Meehan: Well, you have three choices, you can approve it as submitted, you can approve it with modifications, or you can deny it. If you approve it with modifications, you list all these requirements, some of the things that we talked about, replanting, avoiding trees, moving this and put the onus back on the developer to submit another plan for your review and approval. And obviously the Chairman doesn't sign the plans until the Commission is satisfied with it. I mean, I still have some concerns, I want to go back out and look at this corner of the site. They took a lot out of this corner, but that indicates a retaining wall, this is a steep corner of the site. Runs downhill, and that's a fifteen percent slope area in the backyard here, so that is an area of concern. They did move the MDC pump station to this northeast corner. There is a drainage basin up in here, the drainage basin is on MDC property. Who's going to maintain the drainage basin? Is it the home owners association, or is it MDC? I don't think MDC wants to be involved with a storm water system, so again, this has to be, these are the things that you have to work out. The other comments I have in the staff report is all this, anything off site, if the Commission approves it would be bonded, and because it is a subdivision you get a performance bond up front for your erosion control measures and for site development even before they get any permits. I'm saying all this with the background that they don't have a Wetlands permit, so even if you went ahead and approved this with all of the modifications that you feel are appropriate to make this a better plan, a safer plan, there is no guarantee that they are going to go anywhere without that wetland's permit. They have to go back to Wetlands and satisfy that agency's concern. So that's the Catch-22 that they are in.

Domenic asked the question about storm water flow. There is a point over in this corner, the calculations I included in the staff report that claim that a twenty-five year storm is going to be two percent less, I think it is, going off the site now, after development than there is now because what they are doing, they are holding water after a storm event in these two storm water systems so they are slowing it down, that are ripping down through the ravine. They are going to slow it down and retain it.

Commissioner Anest: Ed, can I ask you a question about that? What happens if they don't maintain those? What happens to the water?

Ed Meehan: Well, over time these begin to, they go from you know, immature scrub brush to the trees, so you have to maintain them.

Commissioner Anest: But what happens if they don't? What happens if the homeowners association over the years, just like other ones are not retained in town, what's going to happen to the water? Is it going to....

Ed Meehan: Well, if it doesn't get through this pipe and weir system, it could back up, and the purpose of this is completely lost.

Commissioner Anest: Back up and go where?

Ed Meehan: Well, it could come back into the storm water system but that's probably a long shot. It's, the water doesn't, it's not going to be as clean, you know, let's say, ten, fifteen years from now, if this is completely ignored, it's just overgrown, the purpose of this is to clean the water before it gets off into the wetlands.

Commissioner Anest: Will additional water, if they don't maintain it, will additional water then over the years start backing up and going.....

Chairman Pruet: No, it's still going to the system.

Ed Meehan: No, I doubt it. It's still going to the system, it's a town responsibility to maintain our street basins, you know, clean those out, and get the leaves and debris out.

Commissioner Anest: I know that water is an issue to people who live down on Mountain Road, and that area. I mean they need to be assured that they are not going to have additional waters draining into.....

Ed Meehan: That's why the drainage study, that critical point is seven different, I think there are seven different point of contact they call it, and they aggregate three or four of them on this site, because everything is flowing west, to that point, so that is the critical point. That is the Achilles heel on this site. If those calculations weren't less than what they are now, that would be a reason to deny it because you are putting more water down into the Brentwood area. These are significant changes.

Commissioner Schatz: That retaining wall, the other one, over there, are those houses sitting up on a hill?

Ed Meehan: No, these houses are down sloped. This is a cul-de-sac, and so there is a slight slope down to the house, and then these grades are going downhill. They, to lessen the steepness of the grade they are proposing a retaining wall to pick up the grade. That's why I think, I want to go back out again, and look. I'm not sure.....

Commissioner Schatz: I was thinking the houses were up at that roadway.

Ed Meehan: No, this site is breaking this way, it's flat here, it's sort of going down here, downhill here, it goes to the backside of this big wetland, and then here it sits pretty much on a level area, then it breaks down towards Russell Road.

Commissioner Schatz: Up at the top area, how deep are they going to dig that road area?

Ed Meehan: Up here? The area of major excavation is right in, coming in here. They come in through a knob of rock here, and they moved this whole development easterly to get away from the wetland. Remember they had five or six lots going downhill, they took those out. That was the first go around. So this is the open space version, and as I talked about it a couple of meetings ago, I believe if they did a standard R-20, it would be pretty much still the thirty-three acre footprint, lots are going to be 20,000 square feet with 100 foot frontage, no requirement that they dedicate the open space to the public. They could do it to the

homeowners association or put it into some arrangement, or private lots. That's again, that's an issue, that's a call, a policy call. It's your discretion because it's a special permit.

Commissioner Pane: Ed, at the last meeting I mentioned that I didn't think it would be good to have parking at the end of the cul-de-sacs, that it should be limited there.

Commissioner Aieta: They took them out it looks like, didn't they?

Ed Meehan: Well, they, one version that they presented at public hearing had some, and I have a note here, no parking in area, that's the Commission's will, I think it's going to be you know, it wouldn't be great in a subdivision, to have parking.

Commissioner Pane: No, not in a subdivision. Now my question is, to the Commission members is, do you feel that they should provide some parking for the public for the open space, and if they do, if you do feel that, then should an area be provided on Old Highway where you can drive in there and they provide a few parking spaces there?

Commissioner Schatz: Might be a good idea.

Chairman Pruet: Yeah, I think we discussed that before, I think we mentioned that down further where the trails go through.

Commissioner Pane: Where the sewer line is going in now.

Chairman Pruet: Yeah.

Ed Meehan: One of the trails that goes through here is just around the outside of this wetland and comes out on the high side of that wetland, goes up and around, goes up this way and another trail goes down into the ravine.

Commissioner Aieta: Those trails are going through people's back yards, they're not going to be trails.....

Ed Meehan: This trail, along the toe of this wetland would be eliminated.

Commissioner Aieta: Yes. What do you suggest that we do with the parking?

Ed Meehan: I'm not sure I'd put in any parking.

Commissioner Aieta: Like, let them find their own way in?

Ed Meehan: Well, the people who park down below and walk up, which a lot of people do now, where they come up from the neighborhood, up this side, a lot of people, people come over from Wethersfield this way.

Commissioner Pane: I'm not saying a lot of parking, but you've got 44 acres of open space there that now you're providing access to the public, I'm just wondering if whether or not you should have a few spots there.

Commissioner Anest: I, and I was the one that brought up the parking initially, for the people and you have taken it out and I noticed that in your comments, I had that circled to mention, I don't like, number one the sanitary sewer going through Old Highway, why can't that all be

pushed north? It may eliminate some of those lots, and then take part of like #45 and put some parking there?

Ed Meehan: Forty-five?

Commissioner Anest: Is that #48?

Commissioner Pane: They wouldn't eliminate the lots, they would put an easement in.

Commissioner Anest: Well, I know, but I'm just throwing this out to make this more receptive to us and to the public. I mean, we have to make this so that everybody is happy with this.

Ed Meehan: You have to have a basis in your regulations to do what you want to do. The basis in the zoning regulations is the protection of the greenway and the buffer. That's, I believe would affect Lot #48, the grading, and part of the retention basin. Moving this out again, it protects the greenway, I think Domenic is right, what they would do, they would go with an easement through these backyards, out here.....

Commissioner Aieta: That's the way they originally had it.

Commissioner Anest: Then let them go with the easement. They would have to get an easement from us, right?

Ed Meehan: No, it's a public road, and the history of this road is, it can't really, it goes back to when we were part of Wethersfield and back in the '30's, the town Planning Commission back then designated it a public road because that's when MDC was first putting water out here, so they needed a public road to go through, so they designed Old Highway.

Commissioner Pane: If they are going to go through there, then you might as well have them repave that area where they go through for a small roadway with some angled parking for the public to go down the path of Old Highway.

Chairman Pruet: Where would the road end for paving? What do their plans call for?

Ed Meehan: Well, they would have to restore this. This is a temporary cul-de-sac. You could bring a road up to here and maybe have a turnout there, where people would go back out again. It could be used for parking.

Commissioner Aieta: Then you are defeating the thing of the buffer, and the green space. You want to try to keep that area down there as natural as it is today. I think that is what you want to accomplish. That's why we are talking about moving, eliminating Lot #1 and moving that whole retention basin up.

Ed Meehan: I wouldn't really encourage a lot of parking there.

Commissioner Aieta: That's right, I wouldn't either.

Commissioner Anest: Not a lot of parking but you know, you've got to do something, people are going to be parking, I'll tell you that's going to happen, they are going to pull down whatever that street name is, and they are going to park on that road, and they're going to go through people's properties to get to the open space.

Commissioner Aieta: Oh, I don't think so.

Commissioner Anest: I think they will.

Ed Meehan: Well, this is a street right of way all the way to the Old Highway, both of these, they have to connect up that way. This is part of a lot. You could put some parking at the end here, outside the cul-de-sac, but that brings people back through the subdivision. If you really want to do public parking I think you would do it over in this corner.

Commissioner Pane: Closest to Russell Road as possible to, so that you protect the greenway, and you're only talking a few spots.

Chairman Pruet: That's all.

Ed Meehan: Make it part of the basin area. The flat corner where you put four or five spaces in.

Commissioner Aieta: And that would mean that we would have to move the, move it up into Lot #1, eliminate the retaining wall, what we talked about, and then in that plan, you could probably get a couple of spaces at the beginning of Ancient Highway.

Ed Meehan: Yeah, want to make sure the sight lines, I think the sight lines are okay here for people coming out with cars, just make sure to check the sight lines to be sure they are adequate. This I think they ought to go back to the drawing boards on this whole area here, the spacing, and whatever they talked about in that wetland area. This Lot #11 is so isolated, between the wetlands, the basin, sanitary sewer and the entrance, I think Lot #11 shouldn't be there. Maybe it should all be open space coming in. I know that it's a lot that meets your zoning standards, but it's location in the subdivision and the fact that you can see the grading lines here, I mean, you have an eight foot wall next to this guy's lot. So, it's like living next to a (inaudible). It's not a good set-up, I don't think.

Chairman Pruet: So we can eliminate Lot #11, but retain #12 and #13.

Ed Meehan: Well, #12 and #13 are critical to the conservation, well, they denied it, but they were concerned about the wetlands and the CERT mentioned this area, but you know, from a lot design, to force this in here, between these utilities and a natural wetland, doesn't seem to make sense. You know, give them the option of eliminating it, or come back with a plan that protects this wetland area better without these retaining walls and guard rails.

Commissioner Aieta: If we eliminate Lot #11, would they be able to spread it out so that they don't have these tall retention, retaining walls.

Ed Meehan: Yes, they can make this much wider, and maybe pull the grading back out of the right of way, I don't know that they have any right to go into the right of way and start grading there, and pull it back into the site.

Chairman Pruet: I think it makes sense to do that.

Commissioner Aieta: They have some work to do to redesign that whole piece.

Commissioner Schatz: So we have to tell them that?

Ed Meehan: Well, you give them the general guidelines...

Commissioner Schatz: Well, the point is, some of the Commissioners said they never saw so much detail and so on, and now we are getting.....

Commissioner Aieta: There is a lot of detail, but there is a lot of nitty-gritty that we don't know about because.....

Commissioner Schatz: That's the part that bothers me.

Commissioner Aieta: This is a tough site.

Ed Meehan: The detail is, the devil's in the detail, I guess is the expression.

Commissioner Schatz: Yeah, I thought they were going to knight these people.

Ed Meehan: No, I mean, I hope I didn't give you that impression because there are standards, new standards in the zoning regulations and standards that have been in subdivision for about thirty years about the fifteen percent slope, that these areas affect. I think we should be consistent and not take ownership of these basins.

Chairman Pruet: Absolutely.

Commissioner Schatz: I agree with what you are saying.

Commissioner Aieta: But normally, a lot of this would be put back into staff's hands but because of the nature of this particular application, and the public outcry, we're down to getting into the nitty-gritty of everything. Most of the time, in a subdivision like this all of these little details would be put back to staff, to the engineering staff and the Town Planner's office. Am I correct, Ed?

Ed Meehan: Yeah, certainly the drainage would go back to the Town Engineer but before we even got into designing this and the capacity of the drainage, the Commission's guidance and direction in maintaining your buffer is critical. If you said, we don't care, then they could leave this alone. I'm hearing that you do care about the fifty foot buffer, you are concerned about retaining walls, and the steepness of this which means it needs to be redesigned. That's going to have implications further into the site.

Commissioner Pane: Is there a path all the way to Russell Road right now? Is there a clear path from Russell Road up into the mountain?

Ed Meehan: Yeah, you can take the one next to the Humane Society that goes all the way through.....

Commissioner Pane: How wide is the path?

Ed Meehan: This? I, twelve feet maybe. Heavy canopy, it opens up when you get by the Marcap piece, it opens up a little bit, but the northerly side of it, on the Balf piece, is all mature growth, all the way down. There are some wood rows back in here, quite a few of them actually.

Chairman Pruet: So we have to make decisions tonight on what we're going to be doing. The clock is running out here.

Ed Meehan: You have to vote at your next meeting.

Chairman Pruet: But, I mean, we have to get it clarified tonight so we can have a consensus of what we are going to be voting on next week, next meeting. It sounds like we agree to eliminate that lot #11.....

Commissioner Camerota: Is it #11, and #12 and #13 or.....

Chairman Pruet: Those are already out, circled in purple there.

Ed Meehan: And then when you take those out, the point I was trying to make is you've got this one lot, #11, sitting in the middle of a retention basin, grading for a sanitary sewer and this basically a fourteen, fifteen foot hole.

Commissioner Aieta: And if you eliminate Lot #11 you could spread out the basin and you could eliminate the ten, eight foot retaining wall you would have to put in to protect Lot #11. It's almost like you are doing all this special stuff to create a lot that maybe we should just eliminate and get a better design.

Chairman Pruet: Yeah, I think we can say that we agree on that.

Commissioner Turco: Mr. Chairman, I have a question for Ed. It seems like we have to remove quite a few lots to alleviate some of these problems. Then why wouldn't the Commission just deny this application and keep it as standard R-20 so that instead of having to fit 64 lots in this area, we're looking at 45 to 50 lots? It seems like.....

Commissioner Pane: You get zero open space. Zero.

Commissioner Turco: The open space issue is still a concern, I understand that.

Commissioner Pane: Yeah, that's one of our 2020 Plans, that was the main objective of our 2020 Plan, excuse me Ed, I don't mean to give the answer, but our main objective in our 2020 Plan was to achieve, was the maximum amount of open space on future developments and this achieves the maximum amount of open space. On a straight R-20, they could dedicate 11 acres of open space, fence the whole thing in, and not have it accessed by the public. So that's the difference between the two.

Commissioner Turco: Right, but as the impact on the land, I understand not to have dedicated open space for the public to access, could be, like you said, fenced off, public can't access it, but as far as impact to the total site, with having the standard R-20 rather than the open space subdivision, you are going to have 15 less lots, would you then not have these different problems that we are talking about?

Ed Meehan: You still are going to have the same problems. Because of the lay of the land and basically you take the road system, they are still going to have these grading issues and they're still going to have to have retention basins, and you know, if they came back with an R-20, if that was the Commission's direction, you know, you still have to protect the fifty foot buffer for Old Highway greenway, you've got to keep your sewer out of the Old Highway greenway, you still have your basins that are going to be owned by somebody, not by the town, so it's pretty much the same thing without the benefit of the 44 acres, it would be down to 40 acres of open space when they take these areas out. I mean, that's a call, it's a judgment call.

Chairman Pruet: Right, and I think we made the call on Lot #11.

Ed Meehan: I understand Lot #11, I understand the sanitary sewer, the basins, the greenway, maybe parking.....

Commissioner Aieta: A couple of spots, as close to Russell Road as possible. And then you are going to have to do something with the lot there up on the top with the retaining wall, maybe you eliminate that lot too.

Ed Meehan: I think there is legitimate basis in your regulations, in your design standards for everything we're talking about. Certainly for the greenway and the slopes and the retaining wall, and I will verify that lot up in that corner.

Commissioner Aieta: So you are looking at basically eliminating three more lots to be able...

Ed Meehan: Yeah, probably one, two, maybe three, I don't know, maybe this would be four.

Commissioner Anest: Isn't that Lot #11?

Ed Meehan: Yeah, I think Lot #1 would go, Lot #11 might go, 48 you might be able to keep the grading out of the greenway, and I'm not sure about this lot. I want to walk up there again and look at that.

Commissioner Pane: The lot that they took out at the top....

Ed Meehan: This pie shaped area?

Commissioner Pane: Yeah, is that all.....

Ed Meehan: That goes downhill.

Commissioner Pane: That goes downhill.

Ed Meehan: Downhill, down towards this ravine, it all falls down this way down to this ravine.

Commissioner Aieta: So if they built on it, you would have to put a retaining wall.

Ed Meehan: I think the retaining wall is basically to slow the slope down. You know what I mean, they are trying to catch the slope. If you walk in next to the fence line, Cedarcrest, you walk in and drop into that area.

Commissioner Lenares: Ed, when you say slow the slope down, are you trying to say, extend the flatness of the land?

Ed Meehan: Yes, you raise, you use the retaining wall to raise the grade so it's not as steep.

Commissioner Lenares: I understand that, but you said it could be a problem, what do you think the problem is?

Ed Meehan: Well, it indicates that this is naturally too steep, it may be over the fifteen percent which in our regulations, keep it out of the area.

Commissioner Lenares: Right, so that is something that you want to look at.

Ed Meehan: Yeah, I want to look at it. I mean, there are spots of fifteen percent in here, but they are not consolidated like we saw over here, this seems to be pretty consolidated in here, we know that there is a big ridge right through here, and a couple of little knobs of fifteen percent but they are not big areas.

In the staff report, there are notes on the plan about bonding, the notes on the plan about drainage easements to the town, notes on the plan for storm water management, Carol brought up how you maintain these, requirements of the home owners association. The Town of Wethersfield offered us some comments, they were quite concerned about clear cutting along Russell Road, and I think that we acknowledged those. The drainage system, the engineer has certified that it's not going to overtax the state drainage system. There is quite a bit right here. If I was to offer a draft motion, there's probably a page and a half to two pages right here and I'll sit down with the Town Engineer and get some more of his input. That's if you want to approve it with modifications. If you don't want it to approve it with modifications, you want to deny it as an open space subdivision, I can offer you a variety of motions. A menu, you know, you can say, no we want the standard R-20, we don't want the open space, yes we want the open space subdivision but you have to do A to Z here to tune it up, come back when the plans are revised, or you know, you deny outright, deny outright because they haven't met these standards.

Commissioner Schatz: Yeah, but the 44 acres is the carrot at the end of the stick.

Commissioner Aieta: If you deny it outright, they will come back with a standard R-20 subdivision, they won't give you the open space, they'll give you 11 acres and you'll be hard pressed to deny them and not give approval as a right to build.

Ed Meehan: That's pretty much everything on the list there I had as far as design standard.

Commissioner Aieta: They still have the obstacle of working out what their problems are with the Wetlands Commission.

Chairman Pruet: They haven't decided yet on which avenue they are going to go, I guess.

Commissioner Pane: Do we have those minutes available?

Ed Meehan: Norine gave them to me tonight, I can make copies and get them to you, or I can do that electronically too, so we can send them out electronically. They have not been approved by Wetlands yet, they haven't had a meeting yet. They will meet next Tuesday, but we did everything under Old Business and you know Norine is thorough so....

Commissioner Pane: There was one other question, on the drainage there, it shows that they have a reduction in their drainage at several points, of about ten percent overall. Did you ever ask the Town Engineer that if they made a couple of minor modifications they could even improve it even better than the ten percent?

Ed Meehan: I didn't get into that with the Town Engineer. It's a factor of design in the first place, a factor of how much you hold on site. These are supposed to be dry basins after a storm event. The term dry basin is after twenty-four hours there is not supposed to be any water in these basins, because if you hold water, it could be a safety problem, you get mosquitoes, you get fast growth of vegetation.

Commissioner Aieta: If the study, the information that we got did show that there was a reduction, out to the Brentwood section of two percent.

Chairman Pruet: Zero now, two percent reduction.

Questions for Ed now, technical questions on his memo? What I would like to do now is, I'd like to get a consensus now on how we are going to go forward on the Commission. I'd need everybody's input, if someone would like to start off, you know, I'd like to hear your input on how we are going to follow up on this.

Commissioner Lenares: I'll start. I don't think you can make any decision unless the stuff that we talked about tonight is addressed. The basins, lot #1, #48, #11, the wall in the back, I mean, those have to be addressed, so if you are looking to approve and accept this open space subdivision, those things need to be addressed. We went around the table and everyone feels that they are kind of important. Obviously, if you are looking to deny, then it doesn't really matter, and you are going to be faced with what comes up on the other side, so my feeling is, those have to be addressed in order to go forward, so I think those are important. I don't know if they are going to be, I'm assuming they would have to be ready for the next meeting, you would obviously have to look at that, prior to the next meeting.

Chairman Pruet: I guess I want to know if you, would you prefer to go forward with the open space, that's what I need to know.....

Commissioner Lenares: That's the million dollar question on everyone's mind. Did I say I was going to go first? I mean, I thought about this a lot, I really did. We've heard a lot of great people come up and talk about a lot of passionate situations that they are concerned about, and we've weighed them. Ed has done a nice job giving us as much information as he could to try to help us make a great decision, what's best for the town. You deny this proposal you're at their will. They can come back like we talked about a million times with an R-20, you get zero open space. We've heard a lot of people say they like the fact that this is open, I'm not really sure if that is up for debate any more. I'm not sure if this proposal can be stopped. It might hurt some people to hear that, if you deny this proposal, they are going to come back with an R-20 subdivision and I'll say, it will probably be nearly impossible to stop, whether it be through the approval or denial process or court process. I think that if you approve this, with all of the changes that we've made, you gain forty plus acres of legal deeded open space for the residents. Unfortunately you can't have everything. You can't have this be a non-development, have open space, and have you be able to use it. Why? We don't own it. Very simple, we don't own this land. I would have to say that at the time now, if we make these changes then I would have to say that this proposal might be the best thing for the town because of the open space that you are going to get. We've heard from the people, they like traveling this land, they like walking their dogs there, they like seeing animals, wildlife, exercise, whatever it might be. Without this, you don't get it. I thought about this a lot. This probably could be an unpopular stance, but without this, you don't have any ground to stand on, because you don't get any. I don't know if I'm making any sense, but those are my feelings. It's hard because we've heard so many people come up and a lot of you have been here at every meeting, Mr. Spring, and your whole group of people, and I'll tell you what, I couldn't applaud you more for doing what you have done, and expressing your concerns, and I think your concerns that were brought to this Commission were listened to, and were addressed. One of the biggest concerns that I had initially was, not to keep going here....

Chairman Pruet: No, keep going, please.

Commissioner Lenares: One of the biggest concerns was with this site, all of the blasting, controlled blasting would be a hauling site, and I had a big thing about that. I didn't want tri-axles going up and down Cedar Mountain, you know, a hundred trips a day, turning it into, I don't want to use the term, but an Avon Mountain type of a problem, and when they came

back and, I don't want to say stifled my argument, but they said that this project is what they call a balanced site, meaning that whatever is blasted for the most part is going to be used as fill, you know, that kind of negated that argument. Drainage, two percent less, traffic, I mean, all of the studies were there and what it comes down to, the open space. I was a member of the Open Space Committee for a while, as was Carol, until Ed kicked me off, but, we couldn't stay on it because of our position here.....

Ed Meehan: Conflict of interest.

Commissioner Lenares: But a lot of the people who came to those Open Space Committee meetings, a lot of the people who were on the Commission with us, that was their concern, open space, and how do we get them open space legally. If we deny this, you don't have any legal open space here. That's my two cents.

Commissioner Pane: I commend Commissioner Lenares, I think he did an excellent job explaining this. I think this, I agree with everything that he has said, this is the only method of achieving maximum open space which is one of our highest priorities in our 2020 Plan. Just say it's as simple as that. That was a high priority in our 2020 Plan, save as much open space as possible, and this achieves that. I think that by providing a little bit of parking there for people to come in, I think that is really nice. One other comment on the front entrance way I haven't seen what it looks like, but I would like to see maybe some granite and nice signage in the front there and make sure that it is landscaped properly on the entrance way, and this could be a nice little development, but most importantly we've achieved maximum open space for the Town of Newington and even though some residents aren't going to be totally thrilled with it, if you did a straight R-20 Plan, you would have no open space available to the public. That would be the biggest deciding factor. When I came into this, myself and I think some other Commissioners thought that we should keep this R-20, but I certainly have changed my mind through listening to our Town Planner, and I can understand why the Town Planner recommended the open space to the developer because it achieves saving the maximum amount of open space. Thank you Mr. Chairman.

Commissioner Aieta: I have to agree with Domenic and David. They hit the nail right on the head, and what we are looking at, going beyond the technical problems that we have with the site that can be addressed with modifications to the site plan in our motion the history of this Commission, I've seen a lot of history as far as what happens when we deny something, what the ramifications are with court cases, we don't have a tremendous track record, the courts seem to lean on the side of the property owner, because the constitutional right that they have to develop their property. I think you are, you could postpone this, you could deny it and let them come back and you could play with it, and try to stop it, but eventually they are going to build on it, so either through the court system, or through this Commission with an approval, I think the best thing for the Town of Newington is for us to grab the 44 acres that we can get with this open space subdivision, and not take the risk of going to an R-20 subdivision and not get the 44 acres and only get 11 acres, or go to a situation where we go into arbitration in a court case and end up with something greater than what you see here. We could see, in arbitration of a court case where they come in and they look at a regulation and try to debate the fact that we can't allow them to go into the fifteen percent. They could use that as a, they could use that and say, you know, that's an arbitrary decision by the Commission, it's not practical, and try to move into the other areas of the site, and try to expand this footprint a lot bigger than it is. You saw the footprint that they proposed when they first came in, and they thought they could go all the way to the ridge line, with 78 or 80 lots, R-20 lots, so I think you are getting the best that you could get for the Town of Newington with an open space subdivision, because trust me, I feel for the public, I heard all of the testimony, I think that we're getting the best we can get. I have to think that this

Commission should look at approving it with some serious modifications, what we talked about tonight, but should try to get the 44 acres.

Commissioner Schatz: I agree with the other Commissioners, I'm not going to repeat it. The question to Ed would be, if you make your proposal, a draft, a motion, and you put in all of these different things, what if they said, we don't want to do that.

Ed Meehan: That's their choice. They have nothing then.

Commissioner Schatz: I'm just, I think the public should know.

Ed Meehan: Yeah, if these restrictions and modifications are not acceptable to the developer, he could appeal it, instead of trying to come back and address it. He could appeal it, or they could just say, forget it, we're not going to do anything and walk away from their option with the owner.

Commissioner Schatz: I'm in favor of the 44 acres versus 11, versus seventy so odd houses. I don't like the blasting, they're going to bring a crusher in and it sort of becomes a mini-mining operation for a while....

Chairman Pruet: Under our auspices though, if they do bring one in.

Commissioner Schatz: Yes.

Ed Meehan: They can't do that without a special permit.

Commissioner Schatz: I know that, but I just want to have it on the record.....

Commissioner Pane: And that's all to keep a balanced site. So the crusher is important to the site, because you keep the balanced site with the crusher.

Chairman Pruet: But it's monitored.

Commissioner Pane: But it's important to monitor it to make sure that it doesn't get out of hand.

Chairman Pruet: Michelle, what are your thoughts?

Commissioner Camerota: My thoughts are and I think this is one of the points that Dave made is that the land is not owned by the town, so we are left with a private owner who has the right to develop it. Then we get this balancing, if they came in with the R-20 I feel we would lose the ability to have a significant impact on the design of the site, and what happens up there, and I think that all the comments from the public, and I do sympathize with them, I would love to see it stay open, I've been up there, it's a nice spot, all the comments of the public I think have created what we are talking about tonight, and have made the developers make changes and have given us what we think they also should go and do beyond the comments, or the changes that they already made, taking into consideration the comments in the CERT report, and I do fear if we don't try to work with the open space plan, there will be no open space. The 44 acres will go away, there's no way, they will do the minimum possible and they will dedicate it to the home owners association because they'll be angry that they went through this process and that we didn't consider their petition, so with the modifications and I have a couple of additional comments for Ed too, on the memo. I think this plan is

probably the best that we can do for the public at this time, unless we have the money to buy it our self.

Chairman Pruet: Could I hear your comments?

Commissioner Camerota: One was on, and I thought we talked about it last time, that the 44 acres will be deeded to the Town?

Ed Meehan: Correct.

Commissioner Camerota: And that they would maintain and I thought we talked about improving the trail system that is already there.

Ed Meehan: We did talk about them, that they could maybe field mark it, or work with an organization who, maybe a local land trust, or people who know that area to identify trails. Some people have different names for some of the trails up there.

Commissioner Camerota: Right, I don't know how far we can go with that.

Ed Meehan: Well, they could maybe provide some funding to Park and Rec or to a land trust if, and some small signage could be done out there.

Commissioner Aieta: I think you have a basis to be able to do that, because we are, we would be eliminating one of our major trails because of their subdivision, that goes right along the back of these properties, so maybe you could use that as something to try to get them to look at helping us through Parks and Rec.

Commissioner Camerota: The other thing was the CCROG corridor study plan. I know that there was testimony by the applicant that they were going to comply with those recommendations, but there is nothing in your comments that would go in a motion, and I....

Ed Meehan: Well, the corridor study plan had to do with the intersection changes related to more the Marcap piece. The piece south of this, and that always was an issue with that property, getting Marcap and the adjacent property owner, Hunter Development to cooperate with one curb cut and traffic signal. That would come back in to part of Old Highway. This particular developer said that they were going to do some of the island improvements so that Russell Road is longer stop control at East Cedar, it will be a right turn, a flowing right turn by putting those islands in there. They are going to have to go to the state Department of Transportation to do that. Both of them are state highways. So that is something that they are going to have to do as part of their encroachment permit onto Russell Road. They can't put in a curb cut until they get District One approval.

Commissioner Schatz: I have one other question, just so the public understands. The clock is running on this, and the next meeting is when we have to vote.

Chairman Pruet: Right.

Commissioner Schatz: If we didn't vote as I understand it, it would automatically go through.

Commissioner Aieta: No, I asked that question of the attorney, the last time and he said no, the attorney that we hired, the special attorney, I asked that question, what happens with a non-action, would it be an automatic approval and he said not in this instance when it is a special permit.

Ed Meehan: They, being the applicant, they may be able to file through the court that they got approval by lack of action, then you are arguing, to explain why you didn't make your discretionary decision. So it's better I think to get your reasons on the record, you talked about a lot of them tonight, and to cover all your bases and not let this languish. We can't get any more extension time, so.....

Chairman Pruet: Gary, what are your thoughts.

Commissioner Turco: I don't want to be repetitious, a lot of the Commissioners have said what I was going to say. I appreciate the public for, I was reading the minutes again this morning, and back in May I think we started this, coming out in force, giving their opinion, and their love for this land. I think the public thought we had a lot of options on what we could do, and we really don't. We can keep it the standard R-20 which I've asked numerous times in meetings, doesn't do anything to protect or save this land. It's still the same type of impact, and we just seem to lose control on how this land is developed, and lose all of the dedicated open space. So it's like the other Commissioners said, it comes down to what is best for the town, the people, the land and it seems like approving this application would be the best, to have this dedicated, over fifty percent of this site is going to be to the people of Newington. So, it's just basically repetitious, repeating what other Commissioners have said, but I feel that way as well.

Commissioner Anest: I don't want to reiterate what everybody has said, I've really had a hard time with this whole project. I know how important open space is to this town, we don't have a lot of it left, we need to retain as much of it as possible. In going through, I believe it is the seven points of a special exception, the attorney did set forth his opinions. I have a couple of concerns. I don't think we have the need for this up there. I don't think we have the need for additional housing, but this is all opinion based. I'm also very concerned about the traffic still. I know there was a traffic study done, it's a study, it's not someone wasn't physically up there watching it, just like the study on the drainage. It's all a study, it's all, it necessarily doesn't have to happen the way the study says. So, those are my concerns and I want to state those for the record. Down the road I think the traffic is going to come back and bite us, and I think part of our approval needs to make sure that they go to District One, and get the approval of the traffic coming off of Russell onto Cedar, going down Cedar Mountain. There's also concerns with the traffic going west on Wells Road to Cedar, there is a tremendous amount of traffic and there's people who make illegal right turns and left turns there and it's a disaster waiting to happen, so that has to be addressed and it has to be part of it. Everybody has concerns, you can't get out of that intersection at all. My other concern is and I know that they probably can't do this, if Wethersfield decides that they want to try to pursue to close Arrow Road, that is going to be another issue. We need to get some sort of agreement with them that that's not going to happen. I'm concerned about the clear cutting on that lot. We need to make this as natural as possible up there, that's why I was asking the question that along Russell Road the majority of the trees and if they can go around them. I'm concerned about the blasting again, I've said it before, and I know that we have total control over this, but we need to make sure that they do the pre-blasting and that maybe there should be a bond set for the future, because I know cracks in foundations don't always happen right away. It takes a couple of years as the ground moves, so I would definitely like some reassurance on the blasting, pre-blasting, not only a report but maybe a video of people's homes, before and after. I have a bunch of concerns, but on the other hand, I think this is the best we are going to get to get the 44 acres. They can come back with the R-20 and they can encompass the ridge line and they can make all kinds of irregular shaped lots up there and encompass the whole thing, and only give the 11 acres and have it spotted throughout the whole subdivision, like a pud almost and we would never even have one acre left to us, never mind 11. So I do have concerns, but on the other hand, 44 acres is very enticing, and

if we can keep the Old Highway accessible and not clear cut it, leave the umbrellas of the trees over there, fine line, I don't want to be able to see this subdivision from anywhere. I don't want to go to Indian Hill and be in the clubhouse and look and see the houses there.

Commissioner Aieta: Indian Hill Country Club, that's one of the high spots.

Commissioner Anest: Right, I don't think we should be able to see this. Don't laugh, I'm serious.

Commissioner Pane: I know you're serious but it's kind of funny because they are nice homes that they are building.

Commissioner Anest: I don't care, you look out, and you have a beautiful thing, it's our only open space, and I think we need to make it as natural as possible.

Commissioner Lenares: Mr. Chairman, when Bob asked a question I kind of chuckled, because I thought it was a pretty easy question that he asked, but it turns out, the more I thought about it, it's pretty relevant. He asked, if you do all of these changes, that you are proposing tonight, and they don't want to do it, they could just say, you know, we are going to take our ball and go home, but we're going to come back with an R-20 subdivision and you are going to get zero.

Ed Meehan: Yes.

Commissioner Lenares: So, I'm going to lay this on you. Do you write it so it's that we are willing to work with them, or these are the things we would like to see, or do you write it where, listen if you don't make these changes you're not getting an approval, so what I'm trying to say is, I don't want.....

Commissioner Aieta: David, they are not up for negotiation. When we do a approval motion, we are going to have in there as conditions of that motions, certain things, not to go into the fifty foot right of way of our buffers, eliminate lot #1 and move the retention basin and eliminate the retaining wall, eliminate Lot #11, these are all going to be listed, they are not negotiable items. When we make that motion, we vote on it, he has to do those things. What are the ramifications if he decides not to do it, are up for conjecture. It could be, who knows what they would do.

Ed Meehan: They would come back.....

Commissioner Lenares: Is there a back and forth process here?

Ed Meehan: Yeah, there is at staff level, what do you mean by moving lot 1 and the basin? To get it out of the fifty foot buffer area, you can eliminate the retaining wall, you try to flatten it out so it's going to be a three to one slope to mow and take care of, it's owned by the home owners association. Those are pretty clear requirements. It's up to the project engineer to address that. They will probably give us different design plans, when we feel they are in shape, I would bring them back to the Commission and say, here's what they have come back with, and if you think they have satisfied all of your modifications then the Chairman would be authorized to sign the plans. They would put the bonds up, then they can file on the land records and build the project. So it could be quite a long process. There are checks and balances all the way through.

Commissioner Lenares: Okay.

Commissioner Turco: But I think they would ask us, well, if we give them those stipulations and they say, you know what, we have to build this, we don't want to do this, they could throw that out and then just stick with the R-20 and not give us the 44 acres.

Ed Meehan: They would have to come back.

Commissioner Turco: So, if we make it too restrictive and are not willing to budge on certain things, I mean, we could lose the whole thing.

Ed Meehan: Well, I think the things we have been talking about are substantive and are within your regulations.

Commissioner Aieta: These aren't deal breakers.

Commissioner Pane: These aren't deal breakers. These are common things, grading, protecting the trees and the things that Ed has mentioned are not deal killers.

Commissioner Camerota: I don't think any of these things will be a big surprise to them.

Ed Meehan: They heard it from the public, they heard it from you.

Commissioner Aieta: They designed this with trying to get the maximum amount of lots on this footprint and they design stuff, they show things in our buffer zone, and that's pretty clear in our regulations that we're trying to protect that. They had to know that we're not going to allow them to do that. Moving the, asking us to put the sanitary sewer in Old Highway, they have to know that we're not going to allow them to do that, they're taking a shot, they're trying to see what they can get away with. The extra, the lot #11, that's like, if we can get that extra lot, you know, then we make extra money, but in reality that's not a good design because of the depth of the two lot retention basin or the wetlands that is next door and it's almost where you have to eliminate it. The other lot on the top, with the slope, they're in the fifteen percent. The lot at the bottom that they could possibly lose is because of the grading, so these are all things that they probably know about but they take a shot and try to get the extra lots.

Commissioner Pane: Ed, the wetlands, those two lots that aren't going to get disturbed, they're treed now and they are going to remain treed.

Ed Meehan: Right. In this plan, their plan is to put a retaining wall in there, guard rails....

Commissioner Aieta: Right, we don't want that.

Ed Meehan: You guys don't want it, and Wetlands denied it. So they have to redesign it to meet your requirements now. What they do to satisfy Wetlands is a different story, but they're doing a physical manmade area in there, and it should be left natural.

Commissioner Pane: It should be left natural, right.

Commissioner Anest: Is there a way to put that map on our website?

Ed Meehan: I don't think so, I can look at it, but I don't know if I can get that scanned.

Commissioner Camerota: Can you take a picture of it?

Ed Meehan: Let me work on it, clean up the tape lines.
Newington TPZ Commission

October 12, 2011
Page 38

Commissioner Anest: And the same thing with your twenty points.

Ed Meehan: Well, these are talking points to help you....

Commissioner Anest: The problem being, if the public doesn't know, they have not a clue of what we are talking about. Because they don't get what we are getting.

Ed Meehan: Well, I think they....

Commissioner Aieta: I think they get it.

Commissioner Anest: No, wait a minute. They don't get what we get and I'll tell you, I don't get my packet until Monday so....

Ed Meehan: Oh, you mean get that way.

Commissioner Anest: Right, that's the mail, but I'm saying they don't get what we get in our packet, so when they are coming here, and we are talking, you know, these people have dedicated just as much of their time as we have.....

Ed Meehan: I can get those talking points put up like we did. The open space versus standard.

Commissioner Anest: Yes.

Ed Meehan: A lot of this will be in the minutes anyway, but we can do a condensed version.

Commissioner Anest: Exactly, because it doesn't take long to scan it and get it on the web site.

Chairman Pruet: My opinion, naturally go last because I didn't want to prejudice or bias or sway anybody, but everybody has made solid points. I'd like to see Cedar Mountain stay, Newington is very progressive on doing green space. We've got the Young property, what sixty acres, Ed?

Ed Meehan: Approximately, fifty-five.

Chairman Pruet: Eddy Farm, fifty something acres, and I would like to see Cedar Mountain be up there too. Absolutely. I live in Newington, as a kid, I used to go up there as a boy scout, and bring my kids up there as scouts and stuff. If it wasn't for the public, we wouldn't be at this juncture now, fine tuning and getting things that are positive for this petition. Unfortunately the property has been zoned since 1929 as private property, so we are kind of up against rules and regulations here. I'd like to waive a magic wand and say like everybody thought, most of the people from the Town of Newington thought we owned that. Well, we don't. So I think we are getting the best we can with the situation that is presented to us. Everybody said we are going to pick up 44 acres, that's a nice piece of change to enhance our greenways. We're dealing the cards now to the developer. We're going to set these parameters and these conditions and they are going to have to go with them. So I think overall we are getting the best deal I think we can for the Town of Newington, it's not a raw deal, it's not the best deal, it's not something that I envisioned from the beginning, but when the dust settles here, everything kind of made sense here. I've got to give Ed yeoman's

marks here for putting this together in layman's terms. I learned a lot through this process, the public has taught me a lot, how to listen and dissect things and understand another point
Newington TPZ Commission

October 12, 2011

Page 39

of view, I learned a lot on that, and I learned a lot from my fellow Commissioners here. Give and take, and the bottom line is, there is not one person in this room who can say, that we're not doing the best for Newington. There's been a couple people in the past, and I, and during the process where they kind of went over the line, but I kind of swallowed it, considered their age and everything else but there are no backroom deals made with anybody here. There is no predetermination. We don't get anything out of it. I'm not on contract, I don't get a stipend and neither does anybody else here, so I think those comments were made, I think people understood them. I just wanted to clarify that for the record. We all worked hard on this, and I think we are going to give you an end product next time we meet that is in the best interest of Newington. That's my comments on that.

VIII. **PETITIONS FOR SCHEDULING** (TPZ October 26, 2011 and November 9, 2011.)

Ed Meehan: We have a couple of petitions that came in after the agenda went out, and they are just for signs. I would recommend that you do those at your November 9th meeting, so you have the next meeting to take care of this, and take care of the, Mr. Brown's, Maguire's, project. That's it.

IX. **REMARKS BY COMMISSIONERS**

Commissioner Pane: Is this going to be our permanent space?

Ed Meehan: Yes.

Commissioner Pane: For the Town Planning and Zoning?

Ed Meehan: Dave asked that we back up the next meeting for the Council chambers when you vote on the Toll Brothers project, just in case. This space, they haven't finished everything here, there are going to be, you know, wall surfaces for map display, that outlet is going to be for a plasma flat screen so we can do presentations, we can have power point, all that stuff, and Channel 14 is going to have some direct feeds into their studio.

Commissioner Pane: My main concern was, is this going to be the new Curtis Ambler room or not?

Ed Meehan: I don't know. I'll ask.

Commissioner Pane: I mean the zoning room that we previously had was named the Curtis Ambler room and I don't know about the other Commissioners, but it was named that and I think it should remain that, and I want somebody to look into that.

Ed Meehan: Okay.

Commissioner Aieta: Can we get better tables and chairs?

Commissioner Camerota: I like these chairs.

Commissioner Aieta: You like the chairs? Well, can we get lower tables?

Ed Meehan: I think we want to, fill the tables in so that you have more room to spread out, they are too narrow, and microphones, we have a punch list of things.

Commissioner Anest: And maybe you can put the podium over there, or over there.
Newington TPZ Commission

October 12, 2011

Page 40

Commissioner Aieta: These are like temporary tables, right? These can't be, these are not even stable.

Ed Meehan: I think you want wider tables, maybe double these up or see if there are other tables around.

Commissioner Aieta: Not on castors, so they move.

Ed Meehan: This is going to be, you know, there will be a training room in here.....

Commissioner Aieta: So you are going to take these out after each meeting?

Ed Meehan: No, they will be stored, other organizations and, during the day it will be used for training, staff and so forth, so it has some flexibility.

Chairman Pruet: Sound system too Ed?

Ed Meehan: And a sound system, yeah.

Chairman Pruet: And an easier hookup for Newington TV too. It's going to be easier for him to set up.

Ed Meehan: As Carol said, if you have suggestions where the speaker should stand so the public can see him and hear him....

Commissioner Anest: Or maybe have like a chair, like they do for the Council.

Commissioner Pane: Then your back is to the camera, the podium should be up there.

Commissioner Anest: This is for public participation, and then you have this person presenting because he is going to be using....it's just hard when you have public walk-ins, because there is not a lot of walking space.

Chairman Pruet: We can shrink it down, do something.

Chairman Pruet: I have some remarks. I asked Ed before, it was brought up, I don't know who brought it up, but looking at future scheduling for 2012. Right now we complete with the Board of Education, is that correct Ed?

Ed Meehan: Yes.

Chairman Pruet: And I want to hear what your thoughts are, as Commissioners for consideration for maybe meeting on the first and third Wednesday of the month? Is that a possibility? Move it to a different night, is the existing night okay with you? Thoughts on that?

Commissioner Pane: What is wrong with the nights that we have now, the second and fourth?

Chairman Pruet: The Board of Ed meets that same night.

Commissioner Pane: But they are not meeting in this room.

Newington TPZ Commission

October 12, 2011

Page 41

Chairman Pruet: No, but I'm saying.....

Commissioner Pane: I don't think it's been a problem.

Chairman Pruet: Okay.

Commissioner Anest: Well, if we want to be live, and not Memorex, we might want to consider moving to the first and third.

Commissioner Anest: Well, there is no guarantee whether it's live or not, that's up to Channel 14, I don't think that plays a part. They still tape it.

Commissioner Camerota: I thought the original consideration was the room, so that maybe we could use the conference room A and B, or B and C, or whatever it is up there, but if we are going to be down here, and this is adequate, then I don't necessarily see that we have to change, unless the public you know.....

Ed Meehan: We can get I think as many seats here as B and C gets.

Commissioner Camerota: I think so too.

Ed Meehan: We can do something up front here.

Commissioner Turco: I don't know what other meetings go on at the other times that we are suggesting changing, but competing with Board of Ed, there may be people who want to come here, testify and they can't because they need to be at Board of Ed, so if we can switch the days where there aren't other conflicting town meetings, that might be better for the public. Just something to look at.

Commissioner Aieta: So there are no other meetings on the first and third, if we moved it to the first and third, there are no other meetings?

Ed Meehan: Not that I know of right now.

Commissioner Aieta: It doesn't really make a difference, it's only twice a month so if it's the second and fourth, or first and third it doesn't really make a difference, as long as you keep it on a Wednesday night.

Chairman Pruet: Exactly, Wednesday is a good night. Also too, I know that the Board of Ed doesn't meet during the summer, anything about maybe suspending for like a month of August.....

Commissioner Pane: I don't think you can.

Chairman Pruet: This is the busiest commission in the town.

Commissioner Camerota: We never could have this summer, and.....

Chairman Pruet: Oh no, we would have been going to one o'clock in the morning trying to make up. So someone asked me about consideration of that, so, okay.

Commissioner Camerota: I would say if anything, take it down to one meeting, but I think it is going to depend on the year. This year we could never have done that, last year we probably could have.

Commissioner Aieta: You have an obligation to the public and the applicants to have meetings every month of the year, and you can't really push them off. We've pushed some of them off maybe too long, and I think that is part of our responsibilities to make sure that the public and the applicants and the people who come before us have adequate time and are not pushed off into the future so that they can make plans with their projects and get things done.

Chairman Pruet: I just wanted to throw that out, somebody mentioned it to me, I told them I would.

Commissioner Camerota: I think we have done a really good job of moving things along, and not having them sit in Old Business for a long time.

Commissioner Aieta: Yeah, we have been.

Chairman Pruet: That's what we are here for, to expedite that and do what we can for the businesses and the people of Newington.

Commissioner Anest: I was just going to say, the Council cancelled a meeting this summer, and then had to call a special meeting because something came up so.....

Chairman Pruet: I was just looking back in the notes too when this was mentioned to me, and we're busy, we're busy, so I don't think that would be appropriate. So, I think the alternate, the first and third Wednesday, can I get a consensus of that?

Commissioner Aieta: When would you start that David?

Chairman Pruet: Next year.

Commissioner Aieta: Okay.

Chairman Pruet: It wouldn't affect the schedule the rest of the year.

Commissioner Pane: I think Ed should look into it first and report back to us before we say...

Chairman Pruet: I already had him check it.

Commissioner Pane: Oh, you already checked it?

Commissioner Aieta: And there's no other meetings then maybe it is a good idea.

Ed Meehan: Well, there is a conflict. Economic Development meets the first Wednesday.

Commissioner Anest: And that's you too, right?

Ed Meehan: Yeah.

Commissioner Pane: There's a reason that it's been the second and fourth for a long time.

Newington TPZ Commission

October 12, 2011

Page 43

Chairman Pruet: So we will stay with the second and fourth.

Commissioner Aieta: Forget about what we said, scratch that.

Chairman Pruet: Okay, status quo. Second and Fourth, stay as is.

Commissioner Schatz: After us having meetings in the Council chambers, how do they ever get their work done? How do they have a meeting there, do you know what I mean?

Ed Meehan: Who, the Council?

Commissioner Schatz: The Council itself. I mean, to me, it is a very uncomfortable place to be.

Ed Meehan: I think that is why they go to B and C. For a land use agency, it's not a room...a land use agency needs room to spread out, look at pictures, look at maps after a presentation. That doesn't work for you there.

Commissioner Schatz: Half of the Commission you don't see.

Chairman Pruet: One thing I will say about the auditorium, it's better than the gymnasium. Anyone else have remarks?

X. STAFF REPORT

Ed Meehan: We have on the table hard copies of the latest version of all of the Zoning Amendments all collected. We'll put this up on the web. These are effective through April, everything that the Commission adopted pursuant to the 2020 Plan is now here. We will file with the Town Clerk and do all of the legal things we have to do.

Chairman Pruet: What about considering a three ring binder, in case we do change something we can just....

Ed Meehan: We have a lot of binders.

Chairman Pruet: We can just open it up and delete it....

Ed Meehan: You want three ring binders?

Chairman Pruet: Yes, this way if you get a change in something, you don't have to throw the baby out with the bathwater, just add it and delete it.

Ed Meehan: We have boxes of binders.

Commissioner Aieta: Then we could put dividers in....

Ed Meehan: You could put the Plan of Development in there, the subdivision regulations...

Chairman Pruet: Changes, if we make a change, we can just rip it out, and put it in.

Commissioner Aieta: That would be good.

XI. PUBLIC PARTICIPATION

(For items not listed on agenda)

None.

XII. CLOSING REMARKS BY CHAIRMAN

Chairman Pruet: One of the better and more productive meetings I have seen in the ten something years that I have been doing this, participating in this, everybody added to it tonight, Ed, again, I have to salute you. This presentation here was very well laid out, a lot of thought to it. Everybody asked questions to a certain member to see what we were asking about, so a very good job on that.

XIII. ADJOURNMENT

Commissioner Aieta moved to adjourn the meeting. The motion was seconded by Commissioner Camerota. The meeting was adjourned at 9:45 p.m.

Respectfully submitted,

Norine Addis,
Recording Secretary